FORUM
Vol. CX No. 1

DRURY COLLEGE LIBRARY
Springfield, Missouri
19755

The Three Crucial Issues of the Peace

III. Democracy

By RAYMOND T. BYE
Professor of Economics
University of Pennsylvania

The last of three articles on peace

IN the preceding articles of this series the view was set forth that World War II grew out of the pressure of three great evolutionary forces to which established institutions had not become adapted, with the result that an explosive tension was created. These forces are: the growth of internationalism, the rise of collectivism, and the widening spread of democracy. The present article will discuss the third of these, and its relation to the other two.

Both World Wars I and II were popularly interpreted at the time as wars for democracy. In 1914 the German program of expansion was regarded as a threat to democratic governments; but the issue was not then as clear-cut as in the second conflict, because the Kaiser's government was not entirely divorced from democratic procedure. The Nazis, Fascists, and Japanese militarists, on the other hand, were openly hostile to democracy and frankly contemptuous of it. They regarded it as weak and vacillating because of divided opinions and changing leaders. They believed a one-party dictatorship to be greatly superior because of the strength and decisiveness which come from vigorous, authoritative rule. There is no doubt that the Axis Powers, if victorious, would have destroyed democratic institutions wherever they held sway.

Nevertheless World War II cannot be regarded as a union of democracies against totalitarian states, because of the presence on the Allied side of China and the Soviet Union. It is not generally understood in this country that until very recently Chiang Kai-shek was a dictator, whose nationalistic party (the Kuomintang) held to a one-party rule and denied to its opponents the rights commonly accorded to opposition parties in democratic countries. Within the past year there have been some moves toward a more truly representative government in China, but it cannot yet be said that genuine democracy is now established there. As for the Soviet Union, it is now common knowledge that its government is a ruthless dictatorship; but this was hushed up while Russia was fighting on our side during the conflict. President Roosevelt falsely represented the Soviet regime to the American public as democratic, and the subsequent disillusionment after the war came to many in the United States as a shock. The fact is that the Soviet Union was and is as much in the grip of totalitarian autocracy as were the Axis Powers. There is this difference, that Communist policy pays more attention to the welfare of the working classes, and somewhat less to the glorification and enrichment of the party leaders; but there is nevertheless an almost complete absence of democratic institu-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tions. Only one political party is tolerated, only one set of candidates is offered to the voters for election, the press is strictly controlled, and no opposition to Communist principles whatever is permitted. There is a notorious and terrible secret police, and some five to fifteen millions of persons (estimates differ) languish in concentration camps. So in World War II there was not a clear-cut division between democracies on the one hand and dictatorships on the other. Can it then be said that it was a war for democracy?

No matter how we answer this question, a real insight into the causes of the war must recognize the pressure of democracy as basic; and the demand of the people everywhere for democracy remains perhaps the most crucial issue of the post-war world because it is the medium through which so many social pressures are able to exert their force. In form, democracy is a purely political institution. It consists of the right of the people to elect their own governing officials, and it exists in the true sense only where this right is extended widely enough so that the masses do have the ultimate control. But that is not the whole of it; for in order for this requirement to be met, certain other conditions, with far-reaching implications, must be fulfilled. There must be freedom of speech, freedom of the press, and freedom of assembly; otherwise the people have no opportunity to form the opinions about candidates and issues that are necessary to a meaningful choice. Furthermore, the people must be free to organize such political parties as they please. Opposition to the party in power must be tolerated, and there must even be freedom to advocate a complete change in the system of government and economic institutions, although such advocacy may be restricted to orderly, constitutional methods. More important than any of these—where true democracy exists—governmental policy will be determined by popular opinion. As a result, democracy becomes inextricably bound up with all the economic and political issues about which the people are concerned, and it will be identified with whatever political and economic institutions the people of a given time and place support. That is how it came to be involved in the war; for democracy is intimately tied in with both the issues of internationalism and collectivism that were discussed in the two preceding articles of this series.

Democracy is linked with the issue of internationalism because it is held to include the right of self-determination of peoples. The Atlantic Declaration, which attempted to put into words the ideals for which the Allied nations were supposedly fighting, so construed it. Now this can be interpreted in such a way as to identify democracy with nationalism, and in some situations this may seem to be a natural and desirable interpretation. To peoples like those of India and Indonesia, who have suffered under the yoke of foreign imperialisms, national independence may appear to be a necessary condition to the attainment and preservation of self-government. But there is the danger that this interpretation of democracy may be carried to the point where it would require the continued division of the world into separate national sovereignties, with all their conflicting interests and warlike policies. If this is the meaning of democracy, then the Confederate states had a right to secede, and their forcible retention in the American union was an autocratic abuse of power.

This interpretation confuses democracy with sovereignty. They are not the same. The right of self-government must not be debased into a threat of world disunity. It is not necessary to the preservation of democracy that each people should be politically separate from all other peoples. It is necessary only that each shall have an equal voice with the others in determining the policies of the political organization of which they are a part, whatever that may be. We resolved the conflict between the Southern states and the rest of the American union without the sacrifice of democratic principles, because, although the Southern states were compelled to remain within the union, they have an equal voice with all other states in determining our national policy, and each of the states retains its sovereignty with respect to those issues which are purely local.

Democracy can be reconciled with internationalism in the same way; that is, by division of sovereignty and by equal representation at each level of government. Give to each

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nation the full right to determine domestic policies that involve no encroachment on the interests and rights of other nations, but let those broader issues that involve relations between the various nations be brought under international control. The precise demarcation of powers between the two authorities will have to be worked out by a process of gradual development, much as it has been (and is still being) worked out in the United States. Probably it would have to begin with most of the sovereignty residing in the several nations, with only a few limited powers being delegated to the international body. Then, in time, as international coöperation progressed and confidence in the world government grew stronger, the functions of the latter would be increased. But always democracy would be preserved by giving each adult person in the world a vote, and through that vote a voice, directly or indirectly, in the choice of members to represent him in the international legislative assembly.

COLLECTIVISM

The relationship between democracy and the issue of collectivism is badly confused by the popular phrase which indiscriminately lumps democracy with all our other institutions under the general expression, "the American way of life." We similarly link the concept of democracy with institutions more or less resembling ours that exist in other democratic nations. It so happens that, at present, in almost all countries where democracy is established, the system of capitalism prevails. (With the rise to power of the British Labor Party, Great Britain may henceforth constitute an exception to this statement.) Hence people here and in those countries naturally tend to identify democracy with a capitalistic economy. This view is strengthened by the still prevalent notion that capitalism is a system of free enterprise. What could be more logical than to link democracy, a system of political freedom, with capitalism, thus conceived as a system of economic freedom? When, along with this, it is considered that the only completely collective state in the present world (the Soviet Union) is anti-democratic, the pairing of the two conceptions becomes completely convincing. Hence to many minds, the "war for democracy" became a war for capitalism against all other systems, and the present "cold war" between the Western democracies and Sovietized Eastern Europe becomes a struggle between capitalism and collectivism.

In opposition to this view, socialists call attention to the fact that modern capitalism is not really a system of liberty. It has a number of features which are inconsistent with such a system. For one thing, it is characterized by numerous monopolies that deny to other business men freedom to enter the branches of production which the monopolists control. Then, too, there is not self-government within industrial establishments. On the contrary, there prevails a kind of overlordship in which the workers are subject to the rule of their employers and deprived of a voice in the determination of policy. Lately labor unions, by the sheer pressure of organized strength, reinforced by legal protection, have been able to compel employers to bargain with them collectively on matters of wages, hours, and working conditions. This represents a departure from purely capitalistic principles, and employees have not yet been given any significant representation in management. Only in socialism, say the socialists, would there be true democracy; for then industry would be owned by the people collectively, and controlled by them through the machinery of representative government. Socialists believe that the leaders of capitalistic industry are not really democrats at heart, for the rich industrialists of Germany and Italy did not defend democratic government when put to the test in Europe. They threw their support to the Nazi and Fascist parties when democratic government showed signs of undermining their privileged positions by leaning toward the establishment of collectivism.

Of course, there are two sides to this argument. The defenders of capitalism believe that it alone is consistent with democracy, denying that any system of collectivism can long remain democratic. They believe that socialism would lead to the development of a gigantic bureaucracy that would be bound to arrogate more and more power to itself until it became a dictatorship. They point to the totalitarian character of the Soviet regime as an illustration of what may be expected. However, it is

61117

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

not safe to draw such a conclusion from this example. We must not forget that Russia has never had a democratic government. For centuries before the Communist revolution its people had been subject to the autocratic rule of the czars, with the masses in a condition of semi-serfdom under the heel of a landed aristocracy. There was always a secret police, with exile to Siberia for would-be reformers. It is small wonder that collectivism, fostered in such an environment, was led by extremists and plotters, who, knowing no other system of government than one of suppression, established a regime in keeping with the Russian tradition when they came into power. This tells us nothing about what socialism might be like if it evolved gradually, by popular vote, in a country whose people had long enjoyed civil liberties and were deeply imbued with the principles of democracy. In a quarter century or more, if the Labor Party is permitted by the voters to proceed with its program of evolutionary socialism in Great Britain, we may have the answer to this question. It cannot be settled definitely in a shorter period.

In the meantime, we must recognize that democracy is not necessarily identified with either capitalism or collectivism. It is simply a system of government in which the people have the ultimate control. In the long run, therefore, it must be identified with whatever it is that the people want and are willing to support. When they want capitalism, democracy and capitalism are linked together. If the time comes when the majority of the people want socialism, then socialism and democracy will be paired. It so happens that what the people want is a changing thing; for as human aspirations and visions enlarge, there is a corresponding change in the institutions they wish to establish. In the contemporary world, the democratic influence goes along with a broad evolutionary trend toward increasing socialization of industry.

How, then, are we to answer the question, "Was the Second World War a war for democracy?" The peoples of many small nations fought largely to preserve their petty national sovereignties. The British, the French, the Belgians, and the Dutch fought partly to hold onto their empires. The businessmen looked upon the conflict as a means of defending capitalism against the encroachments of other systems. If the war was a war for any of these things, then it was not a war for democracy. But if it was, as a high American official put it, the climax to a long struggle which the people had waged for their rights over many generations, then it was, in a sense, a war for democracy.

There is no doubt that this long struggle for broader human rights was one of the great social pressures that led up to the conflict, and it was through democratic government that the pressure was given an outlet. Where democracy prevailed, the people could use their voting power to accomplish economic and social reforms. The attempt of the privileged classes in Germany, Italy, and Japan to dam up this pressure and block these reforms by suppressing democracy was an important cause of the social earthquake that followed.

Unfortunately, the war did not settle these problems. Indeed, it rather aggravated them, for by impoverishing the peoples of Europe it has added to popular discontent and increased the pressure for change. It has made the distress of the masses so acute that they are almost ready to give up democracy for the Communist form of collectivism in their desperate need for some remedy. It is this that makes democracy so crucial an issue today.

The preservation and extension of democracy is our most important stake in the postwar world, because upon it all other issues depend. It is the surest protection of basic human rights, and the only certain avenue for the fulfillment of higher goals. It is for this reason that totalitarianism, whether of the Fascist or Communist variety, must be resisted. If we are to build a just and enduring peace, we must create a world in which democracy is established everywhere, and we must be prepared to champion democracy no matter in what direction it may lead. We must not, like the Thyssens and the Krupps, abandon it to the dictators the moment we begin to fear that it may lead to something we think we are not going to like.

It does not follow that the right of self-government must immediately and unconditionally be accorded to all peoples, for there are some places where the masses have not yet reached the stage of enlightenment at which

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

they have the capacity to govern. True democracy can come into being only after a long process of education and experience. Where this background is lacking, a period of disinterested stewardship by some responsible external authority may be necessary; but this stewardship should not take the form of imperialistic exploitation, and it should be pointed definitely toward the ultimate attainment of independence and self-rule. These desiderata are most likely to be met if the backward peoples are placed under the jurisdiction of some international body, rather than under that of any particular nation. The mandated territories allocated to various nations after World War I became colonial possessions in fact, and were the very antithesis of democracy.

There are three other conditions which may reasonably be imposed in carrying out the broad conception of democracy here espoused. The first is that peoples must express their wills and set up their institutions through orderly legislative processes, not through revolution. Revolution will not be necessary to carry out the popular will if all shades of opinions are allowed to be freely presented. In the post-war world, therefore, the utmost freedom of speech, of the press, of assembly, and of political organization must be guaranteed.

In the second place, no state should be allowed to carry on propaganda against the established institutions of other states, nor to foment revolution therein. One of the causes of dissension leading up to World War II was the revolutionary tactics of the Communists, directed from Moscow, and the pernicious instigation of subversive organizations throughout the world by the Nazis. Unfortunately the Russians are still engaged in this. If peace and democracy are to be achieved and maintained, this sort of thing must somehow be brought to an end. Open advocacy of reforms by individuals and organizations is all right, and is an essential part of the democratic process; but plotting by one government against others, through hidden control of party organizations or by secret agents and a subsidized press, is not to be tolerated.

In the third place, it must be understood that the right of self-government does not extend to complete sovereignty for each separate national group. There are some issues which are of international and not purely local concern. Decisions of policy in these matters must be submitted to a legislative body with international jurisdiction. But in the organization of this international body, the principle of democracy must be preserved by guaranteeing proportionate representation to each country.

PROSPECTS

In the contemporary world the democratic and anti-democratic forces are delicately balanced. The issue will be decided by the course of events in Europe and Asia, probably within the next two decades. The forces of democracy are represented by the United States and the nations of Western Europe. The forces of dictatorship are represented by the Soviet Union and its satellite states in Eastern Europe and Northern Asia. The rest of Asia is open country where either force may become established. We have made a good beginning toward the creation of a democratic atmosphere in Japan, but we have not so far been equally successful in China. It is important to recognize that Great Britain, the leader of democracy in Europe, appears to be in transition to a socialist regime, and there is a trend in that direction in a number of the other countries of Western Europe. If democracy is to be preserved, it may have to be a collectivistic rather than a capitalistic democracy. Our State Department is now fully aware that it must depend upon the socialists as the real bulwark of defense against the threat of Communistic dictatorship in Europe, but the American public does not yet understand this. There is still the danger that, in an effort to preserve the institutions of capitalism in Europe, we may support the forces of reaction in government, which, by suppressing democratic reform of economic institutions, may put the Communists eventually in power. Only by supporting the democratic socialists can this unfortunate outcome be prevented. Capitalistic countries and socialistic countries have a common interest in democracy, as opposed to dictatorship. Since this is the supreme issue of our time, they must unite to stem the tide of Communism.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The first of a series
of four portraits

Between East and West

I. EDUARD BENES

BY FREDERICK H. CRAMER
Professor of History, Mount Holyoke College

I.

FOUR men, Benes, Renner, Saragat, Jouhaux—whose lives are being spent before our very eyes in a futile attempt to steer a course between East and West—will be the object of an analytical survey from which we may glean the reasons for their tragic failure. By the time this investigation is completed, one or several of them may no longer be alive. Benes, in particular, is a mortally sick man, and Renner, his Austrian counterpart, is a very old one at the helm of a storm-tossed country. When these lines reach the printed form, the tocsin for World War III may have already rung the signal for the funeral pyre on which the dreams and impossible hopes of these men will be consumed. At this moment, however, when a complete social and political philosophy lies dead on the ground, but is not yet buried, it seems particularly appropriate to perform an autopsy to ascertain the causes of the death of what, but a short while ago, seemed realizable hopes.

The East and West between which these men and others like them hoped to establish a "neutral" or intermediate zone of social, economic, and political thought were not Kipling's Orient and Occident, but statism, as advocated by Russia, and the relatively free and liberal forms evolved in Western Europe and North America in the past 150 years.

The fundamental problem of human organization, the compatibility of individual "elbow-room" with the security of the human group at large, has been argued for many thousands of years, consciously, bitterly, and inconclusively. The fact that there arose an argument about the best form of combining these two basic needs of the human individual and the human race is the immortal glory of the West since the days of ancient Greece. The battle between organized humanity and the individual arose with new fierceness towards the end of the middle ages. It is now reaching, for the second time in Western history, its final stage.

In the internal evolution from feudal via absolute to constitutional monarchy most European states tried to follow the English example without achieving the harmonious evolution so characteristic of English institutions. The nineteenth century mania for constitutional monarchies was matched only by its sacrifice at the altar of the fetish called "nationalism," a concept which in the last analysis represented a curious half-way mark between international authority and individual freedom. In setting one nationality apart from any other, nationalism breaks down international unity, but makes all individuals of the particular national group subservient to its own interests. Such a breakdown of international sentiment was quite compatible, or so it seemed for a while, with allowing a large measure of individual liberties within the framework of the nineteenth century national state. The basic agreement on the wisdom of such a regrouping of Europe's traditional patterns was so general that national "independence" or "unification" movements enjoyed the most wide-spread popular support imaginable. Beginning with the war of Greek independence in 1821, a whole century of European history was filled with the aim to realize "national" aspirations. The liberation of the Balkan peoples from Turkish rule (1821-1914)

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was paralleled by the unification of Italy and Germany (1848-1871). In every single instance a constitutional monarchy and the granting of a certain amount of civil liberties accompanied the founding of these "national" states.

Only two bulwarks of bygone days resisted this apparently inexorable march of rampant nationalism and democratic reorganization: the Hapsburg and the Romanov Empires. Of these, the Hapsburg Empire had been forced by dint of necessity to compromise. In 1867-1868 the Austro-German ruling class, comprising about 35 per cent of the total population, had felt it necessary to admit the 28 per cent of Magyars into what amounted to a junior partnership. Henceforth these two minorities, totalling 63 per cent of the total population, held down the former majority groups, most of which were Slavs, but which also included Rumanians and Italians. It must never be forgotten that until 1918 the entire cultural and intellectual life of the Hapsburg monarchy was chiefly begotten from and carried on by the Austro-German and Hungarian upper classes. Against this background, the formative period of Benes's life must be envisaged, a life devoted to the vain pursuit of the two fundamental goals of the nineteenth century: national independence and democracy.

II.

Benes is dying. His life-long dream is already dead. What was this Czechoslovak state other than the still-born brain-child of Masaryk and his disciple Benes? The Czechs are Slavs, so are the Slovaks. And even the Carpatho-Ruthenes could be counted in that category. The Austro-Germans, on the other hand, despised being reckoned among the citizens of this Slav-dominated, heterogeneous republic. Panslavism of Russian vintage was in turn little liked by the Czechs who considered themselves culturally superior to the backward Russians.

Historians have argued with much acumen and little common sense that the Battle of the White Mountain (1620) sealed the fate of ancient Bohemia and led to the submission of the Czechs to the Austro-German regime. Actually the constitution of 1626 and the recatholization of Bohemia cannot be construed as Germanizing acts. Yet the disappearance of Czech culture after Comenius became a reality for almost two centuries. Only with the dawn of the nineteenth century did a renaissance of Czech nationalism, Czech literature, and Czech intellectual life set in. In trade and industry, in the musical life of Bohemia, as well as in all other upper-class activities, the Bohemian Germans were still the leading element. The Slovaks, on the other hand, were ruled by the Magyars, who in Slovakia enjoyed the same leading cultural role which the Germans played in Bohemia. In 1848 the short-lived joint German-Czech provisional government of Bohemia was rent asunder by what the Germans considered Slav ambition to dominate the new state. The Bohemian Germans returned to the Vienna fold, Prague was bombarded, and Bohemia returned to the Hapsburg rule.

It is rightly said that each new war begins with the technique developed by its predecessor. The plane and the tank, two innovations first tested successfully in World War I, were the outstanding weapons with which the Germans scored in the beginning of World War II. Unfortunately the same psychology holds true in the realm of political strife. The weapons of the past are being used even when conditions have changed fundamentally. That is the tragedy of Czechoslovakia. It is the tragedy of Benes, For the battle-cry of the nineteenth century "self-determination of nationalities" is as obsolete in the twentieth century as a Roman galley amidst modern battleships. Of all the minorities which have plagued unhappy Europe since the dawn of the age of nationalism, none was in a more contradictory position than the Czechs. Their ancestral kingdom of Bohemia had, first through the medieval influx of German settlers (called in and encouraged by the Czech rulers themselves), and later by the gradual Germanization of the Czech aristocracy, lost all semblance of racial, linguistic, and cultural unity. Moreover a small group of Poles around Teschen, and the Slovaks to the east of Moravia, fellow-Slavs though they were, felt little kinship with the Czechs. The Germans constituted one third of the population of Bohemia proper and the economic and cultural top-stratum at that.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A nationalist revival amidst the Czechs in the nineteenth century was, therefore, handicapped from the beginning by the problem of the Austro-Germans in Bohemia, and to a lesser extent, by that of smaller Slav but non-Czech minorities. It has rightly been said that of all succession states of 1918, Czechoslovakia was the closest miniature replica of the defunct Hapsburg empire, insofar as it was composed of a number of minorities, among which the Czechs, with hardly 50 per cent of the total population, occupied the dominant position. Worse still, large and important segments of Czech economy, especially in Czech industries, remained in the hands of Austro-German owners, while a great many Slovaks resented the role of junior partner to which the Czechs admitted them in the young republic. For many, Prague came to mean the often disliked and sometimes hated centralism once represented by Vienna.

Was it then shortsighted folly which caused Thomas Masaryk and his chief disciple Eduard Benes to revive a pattern which they themselves had not only helped to destroy in Central Europe, but which also had proved itself unworkable in the Hapsburg realm? Before attempting an answer to this basic question, we have to sketch the background against which the rebirth of Bohemia began.

For a long time the dream of a Hapsburg federation as envisaged by men like Patacky remained all Czech patriots hoped for. After the abortive attempt of 1848, the reorganization of the Hapsburg empire proved a cruel disappointment to the Czechs. For in the subsequent establishment of the Dual Monarchy, only the Hungarians were admitted to a share of political rights and joint power. Among other minorities, the Slovaks continued to be held down by them, while Vienna persisted in its traditional policy of maintaining the German element at the top of Bohemian society and industry. The Czech aristocracy had made its peace with Vienna and thus deserted the mass of lower class Czechs for the fleshpots offered by German Vienna. This important development explains why among the leaders of the Czech independence movement aristocratic Czechs are conspicuous by their almost complete absence.

Masaryk and Benes, certainly the two most important figures in the founding and administration of modern Czechoslovakia, came from peasant stock. Benes, born May 28, 1884, was the youngest of ten children, demonstrating, incidentally, the folly of birth control. Father Benes, by the time young Eduard was ready for school, had succeeded in making his farm fairly prosperous and, recognizing the intellectual bent of his youngest son, was willing to give him as good an education as possible. Young Benes went to the Gymnasium in Vinobrady (1896). His academic record was spotty. He excelled in those subjects which interested him, especially French and literature. Soccer was his favorite sport, until a broken leg put him on the sidelines.

Father Benes, however, was unable to finance his son's university career to its conclusion. Beginning at the university of Prague with the study of philosophy and philology in 1904, young Benes became an admirer of Thomas Masaryk, then professor at the university, but felt that before settling down into a career, he would like a breath of wider spaces. With but $12.00 in his pocket, he went to Paris and entered the Sorbonne. Two Czech journals for which he wrote articles helped finance his studies. Gradually he developed his journalistic proficiency, gaining thereby an intimate knowledge of the French parliamentary and social scene. His doctoral dissertation *Le Problème autrichien et la question tchèque* indicated his shrewd peasant's application of political theory to political reality. Having completed his formal education, he returned in September, 1908, to Prague via London and Berlin, spending some time in England and Germany to acquaint himself with conditions by first-hand observation. He abandoned most of his journalistic activities and seemed to take up the career for which he had so assiduously prepared: professor of political economy at the Czech University of Prague.

It is important to note that both Masaryk and Benes thus belonged to that group which since the eighteenth century had carried the banner of liberal and democratic ideas forward throughout Europe, the intellectuals. They believed that toleration and political freedom, when coupled with a serious attempt to provide a modicum of economic justice,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

would make men better and would, as Kant had hoped, lead to durable, perhaps even permanent, peace.

Now the difference between the Czechoslovakia of which Masaryk and Benes were the founders and the moribund Hapsburg empire will become clear. They hoped to succeed where the Hapsburgs had failed. They wanted to permeate their new state with exactly that truly democratic spirit which the Dual Monarchy had scrupulously avoided. They hoped through fair and reasonably equal treatment of the various minorities to create what Masaryk once called "a greater Switzerland," in which the diverse nationalities would live together harmoniously on equal political and economic terms without losing the individuality which minorities traditionally treasure so highly. It was a magnificent dream, the last such dream on the European political scene. Its failure forms part of the world-shaking catastrophe of the twentieth century, the collapse of the European bourgeoisie.

III.

The fatal mistake which Masaryk and Benes made was to fear the ghost of the defunct Hapsburg Empire and to underrate the potentialities of their German neighbors to the North, East, and West. The formation of the Little Entente, often described as a masterpiece of Benes diplomacy, was aimed at precisely the old bogey, the revisionalism of Hungary and rump-Austria. Rumania, Yugoslavia, and Czechoslovakia kept Hungary in a vise, while Austria at least had to reckon with Yugoslav and Czechoslovak armies at her frontiers. Of the three allies, Czechoslovakia was by far the strongest, thanks to the fact that the lion's share of the Hapsburg Empire's industries lay within Bohemia's natural borders. An alliance with France (1924), rapprochements with Poland and Italy, and a tentative *modus vivendi* with the Weimar republic characterized the zenith of the Masaryk-Benes era in the 1920's.

As could be expected from men steeped in the Western liberal tradition, both Masaryk and Benes looked towards the West for the moral and political support of their brain-child come to life. Men of their ilk had equally little stomach for the Russian-sponsored pre-1914

Alexander in *The Evening Bulletin*
"He Mourns The Dead Who Lives As They Desire."

panslavism of czarist Russia and the Russian-sponsored red totalitarianism. Czechoslovak legions had even fought a heroic retreat against Soviet armies at the end of World War I. Russia's cultural and technological level, her autocratic institutions at no time inspired great confidence in the breasts of Masaryk and Benes.

The German-Russian rapprochement of the 1920's, beginning with the Rapallo treaty of 1922, caused Czechoslovakia to mend her fences with the Soviet regime but increased the vigilant distrust of Prague against the German-Russian combine. Yet the faith of a man like Benes still hoped to effect a European pacification and permanent reconciliation on the shaky basis of the peace treaties whose strict maintenance was a fetish of Czech foreign policy. Consequently the same Benes who voluntarily offered to resign his seat in the Council of the League of Nations to facilitate Germany's entry into the League in 1926, led the chorus of angry protests when the plan of an Austro-German customs union was proposed in 1931.

Nor should it be overlooked that domestically Czech relations with their minorities did not always live up to the high standards of Masaryk and Benes. Anti-German feelings vented themselves quite understandably in more than one "mixed" area. The treatment of the Carpatho-Ruthenes, who had been in-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cluded in Czechoslovakia by the peace-makers, was not always fair and democratic. Slovak backwoodsmen and a discontented Hungarian minority in Slovakia also found much fault with the centralist regime of Prague. Against the somber background of modern German and Russian treatment of minorities, however, the Czechs behaved like knights in shining armor, but minorities not yet aware of those future atrocities, could hardly be blamed for grumbling against what they considered the overbearing attitude of Prague. In the case of the Bohemian Germans, a curious chasm began to yawn. The majority, resenting being reduced to playing second fiddle after centuries of predominance, began to cast loving glances towards Germany with which they had never been directly politically affiliated. The minority of the Sudeten-Germans as they began to be called (in gross violation of the rules of geography) adhered to non-racial or non-nationalist ideologies, especially the Sudeten Social-Democrats (and, of course, the Communists).

The smoldering resentment of the majority of the Sudeten Germans received a tremendous impetus with the advent of Hitler. The cause of anti-revisionism on which Masaryk and Benes had pinned their entire foreign policy proved hopelessly lost, when—the United States having abandoned it as early as 1920—England forced a reluctant France to abandon it likewise. The entire structure of Benes's foreign policy—he had held that post from the very beginning of the Czech republic—thus fell to pieces, and with it his wholly Western political orientation. (For Russia had never been a party to the peace treaties which ended World War I!)

It was, therefore, a melancholy elevation, when after Masaryk's death, Benes was elected president of the republic in 1936. He was perhaps the most respected Czech both at home and abroad (except in Hitler Germany!), when he reached what was formally the zenith of his career. The position of Czechoslovakia during the opening moves toward World War II became one of precarious balance between East and West. Transposed into the political arena the role of Czechoslovakia was an increasingly unhappy one. The falling to pieces of the League of Nations after the successive secessions of Japan, Germany, and Italy, the unwillingness of Britain to support France in a joint defense of the status quo on the continent, Poland's fateful flirtation with Hitler, expressed through a Polish-German friendship pact, and the *sauve qui peut* tendencies among the Little Entente partners left Czechoslovakia more and more isolated, in particular bereft of Western support.

Yet it was not easy to find Russian backing to replace the ebbing strength of Czechoslovakia's French alliance. Russia, too, had embarked upon an appeasement policy and concluded as early as 1933 a friendship treaty with Hitler. True, she also entered the League of Nations and thus obtained at least a modicum of Western good will, but when Benes finally succeeded in concluding a Russian pact, the question remained open, whether or not in an emergency Russia would be more willing than France to come to Czechoslovakia's aid. Nevertheless Franco-Russian treaty negotiations seemed to pave the way for a triangular arrangement in which Czechoslovakia would be the middle link both geographically and militarily in case of German aggression.

The gates to the Kremlin have an uncanny similarity to those leading not so long ago to the antechamber of the late Hitler. As in the lion's den of the children's fable, many tracks lead to it, but few if any outward. In the light of Benes's present plight, the past record of his relations with Stalin is of grim significance. As Benes himself told Churchill during the heyday of inter-allied friendship in 1944, he had received in 1935 one of Hitler's typical offers of friendship and territorial guaranty for Czechoslovakia. Benes's reminder that Hitler's price, Czech neutrality in a Franco-German war, would be impossible under the terms of the well-known Franco-Czech alliance treaty, fell upon deaf ears. He was smilingly told that no one need know about the proposed German pact. It would suffice if Czechoslovakia declared her neutrality openly when actual hostilities between Germany and France would break out. Benes, however, shelved the whole project, and intensified his efforts to woo Stalin.

A year later a German source of considerable authority warned him that, unless he

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

quickly accepted the Hitler proposal, Czechoslovakia would get no more treaty offers from Hitler, since events in Russia would soon obviate Hitler's need for Czechoslovak neutrality. In addition, Benes learned of certain unofficial Russo-German military channels through which Russian ranking officers and some members of the old Bolshevist guard informed their German contact-men of their hopes of overthrowing Stalin's power in the near future. Benes did not hesitate to reveal to Stalin all he had learned about these maneuvres. Thus, in a sense, he saved Stalin's neck, as well as his regime, a service which may explain the relatively gentle treatment which the Czech Communists have so far accorded the certainly non-Communist Benes. The great purge of 1937 freed Stalin from those opponents and stymied whatever hopes Hitler may have entertained about an internal overthrow of the Russian government. The memory of these days probably saved Benes's neck, but it did not save the ideal for which he had labored so hard: an independent Czechoslovakia.

While the Western powers winked at Hitler's rearmament, while the United States permitted him to corner substantial stockpiles of essential raw materials, Russia in turn tried her best to focus Hitler's predatory intentions upon the West. In the diplomatic race between the Western powers and Russia, as to whom Hitler should attack first, the Kremlin won: Poland and her Western allies were the first targets in Hitler's shooting war. In the meantime, however, Czechoslovakia had already vanished from the political map. Until the archives of the powers concerned are opened to independent investigators, it will remain a moot question, whether or not Russia would actually have fought for the salvation of Czechoslovakia, had not the Western powers appeased Hitler at Munich.

At any rate, the result of Munich was the speedy annexation not only of Bohemia's German areas, but within six months, of the entire remaining territory. Slovakia received a specious autonomy. Bohemia became a protectorate. Benes, the target of torrents of Nazi vituperation, had resigned the presidency, when the Munich debacle made his continuation in office a liability for the moribund rump republic. One should have thought that after the bitter experience of being sold out by France and indirectly by Britain, he would have embarked upon a determined pro-Russian policy. Yet he tried to work even in exile for a revival of the "balance" policy, trying to place his country in the position of a "bridge" between East and West. But the shock of the Munich experience had lasting repercussions. It caused Benes to seek far more direct ties with Russia than in the past.

In the years after 1938-1939, but before Hitler's invasion of Russia, this policy was a very difficult one. After June, 1941, it seemed to be easy beyond Benes's wildest dreams. As the war moved towards its end, Russia's military prestige had risen to such heights that Benes, still beset by his German nightmare, was delighted to tighten the ties between his country-to-be-revived and the Soviet Union. He may have been motivated both by his bitter experience with the Western powers and the constant fear of a future German "renaissance." Perhaps this mellow, quiet, soft-spoken relic of a more genteel epoch even shared the false hopes of Franklin Delano Roosevelt and believed that the East and West would after the war continue their collaboration and overcome the barriers which were still separating them.

Harsh facts soon proved the folly of such reckoning. Czechoslovakia was "liberated" by Russian armies, at least the occupation of her territory was left to the Russian troops according to prearranged plans. American troops coming from the West were soon withdrawn. Events rapidly revealed the decline of Western influence in Bohemia and Slovakia. Carpatho-Russia had to be signed away by Benes and was swallowed at once by Russia which had never ruled a square inch of that area in the past. In Slovakia the overthrow of the regionalist forces whose leaders had been foolish enough to accept Hitler's Danaid gift of "autonomy" was followed by repressive measures wholly incompatible with the erstwhile Czechoslovakia of Masaryk and Benes. In Bohemia itself the understandable wrath of the Czechs against the overwhelming majority of the Sudeten-Germans who had preferred Hitler to Benes, totalitarianism to democracy, vented itself in ways reminiscent of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Hitlerdom or Stalindom at its worst. Millions of people were ejected from their ancestral home regions. Their property for all practical purposes was confiscated. Age and sex made no difference. In biblical manner the sins of the fathers were visited upon the children. The Sudetenland was thus cleared of all but a German token minority which had proved itself wholly loyal to the Czech cause against Hitler. Benes, the man who resigned the presidency when his Czechoslovakia died in 1938, was called upon to head the government of the reborn republic.

As in France and Italy, the first post-war government was a national coalition, including a minority of Communists. What Benes hoped was to steer his country through the nightmarish conditions prevailing at the end of the war towards a democratic establishment. Parliamentary forms were maintained and even new elections planned for the spring of 1948. But Benes still dreamed the nineteenth century dream of sovereign small nations safe from the rapacity of Europe's major powers. One event after another demonstrated the error of his judgment. Although Czechoslovakia's exports went primarily to Western countries, enabling Czechoslovakia to import much needed food and industrial supplies, the Kremlin became more and more insistent upon dominating the economic as well as the political scene. The Marshall plan in its preliminary stage called for a joint meeting of those European countries interested in participating in it. Of all states allotted by American political wizards during World War II to the Russian orbit, only Czechoslovakia, undoubtedly under the influence of Benes, had the moral courage of accepting the invitation to send representatives to the Paris conference. The fist of Stalin crashed on the table. In Hitlerian fashion he called for an immediate dispatch of Czech envoys "to explain" such an uncalled for show of independence. After the session at Moscow was over, Czechoslovakia withdrew her acceptance of the invitation to Paris. It meant the end of her economic sovereignty.

If Benes hoped to salvage at least some shreds of political independence, he was to be disillusioned even more cruelly. It was well known that in the coming elections the Communists stood no chance of gaining the majority. The Czech people themselves had become increasingly dubious about the value of Russian-inspired Communism. What happened in Italy and France might happen in Czechoslovakia: the Communists after the elections could be forced to resign their cabinet posts.

Prime Minister Gottwald, Communist, was told by Stalin not to let it happen. Vital posts such as the Ministry of the Interior were in Communist hands. The police was saturated with Communist newcomers. "Voluntary police troops" of tested comrades were formed. The scheme became so obvious that the non-Communist ministers withdrew from the cabinet in protest. Such niceties might have worked in the not so bad old Hapsburg Empire. They cut no ice with twentieth century red stalwarts. Backed by the insipid, befuddled, and utterly stupid majority of the Czech Social-Democratic Party, headed by the venerable Fierlinger, a sort of Czech Pietro Nenni, Gottwald finally obtained from an ailing and helpless Benes the signature sanctioning the cold *coup* which destroyed the last vestiges of Czech political sovereignty. Expropriations, arrests, and all the other trimmings of totalitarian rule followed. Once more a stream of brave refugees crossed the frontiers or died in the attempt. Jan Masaryk proved he was, after all, a chip off the old block and killed himself. They found an open Bible near the window. Clergymen and politicians, industrialists, and tennis stars fled the country or refused to return. Czech commercial planes inexplicably deviated from their normal routs and made "emergency" landings on "Western" territory. In London, Jaksch, the valiant leader of the Sudeten German Social Democrats, is now collaborating with some of the new exiles to set up a committee on behalf of a *Bohemia restituta* to revive the tolerant and democratic Czechoslovakia of Masaryk's days. Benes resigned his post as president on June 7.

The dream of Eduard Benes was at least a splendid and noble dream: To bridge the gap between East and West in a democratic manner. It is a sad sign of our day and age that this dream seems as dead today as the body of Eduard Benes soon will be. *Requiescat in pace.*

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Are they subject to
collective bargaining

PRIVATE PENSION PLANS

By VERNON H. JENSEN

Professor of Industrial Relations, New York
State School of Industrial and Labor Relations.

611.17
CURY COLLEGE LIBRARY

ARE pension plans properly a subject of collective bargaining? Since 1941 certain tax considerations have led many employers to establish pension plans or revise existing ones. Also motivating employers during the war were manpower difficulties aggravated by inability to raise wages. When a wage increase was not lawful, a pension plan which fulfilled the requirements of the Treasury Department could be offered the workers. Most plans were established unilaterally by employers, although such plans could have been established through collective bargaining. The National War Labor Board, however, refused to direct the writing into a collective bargaining agreement of the establishment or liberalization of a pension plan. This was due to the limitation on the authority of the Board to direct no changes in labor relations during war-time which did not reflect prevailing practice. All the National War Labor Board could do was to direct a company to write into its agreement with the union representing its employees a currently operative unilaterally established pension plan. The National War Labor Board simply preserved the status quo, although by its action admitting that pension plans fit into the field of collective bargaining in some instances.

Considering the total number of enterprises in the country, few pension plans are currently operative. The total is probably not more than eight thousand. Nearly all of these have been established during the last ten years. Nevertheless pension plans have been an issue in many collective bargaining negotiations in recent years, including some rather important negotiations in the coal and automobile industries. Many times the question has been asked, are pension plans properly the subject of collective bargaining.

The word "properly" might be defined in terms of "legal" rights and responsibilities, that is, *must* pension plans be negotiated if raised as an issue in collective bargaining? While one might not be willing to go that far, it might be held, instead, that while it should not be necessary to bargain collectively over pension plans it would be *permissive;* that is, the parties might mutually agree to negotiate the terms of a pension plan. Or it might be argued that the establishment of a pension plan is a "management prerogative," *not subject to bargaining* at all. Relative to any of these contentions, leaving the issue of "legal" rights and responsibilities in the background, the question might be raised as to the *feasibility* of creating pension plans through collective bargaining. Are the elements too complicated and too long-range? Finally, the word "properly" might also be defined in terms of *appropriateness,* that is, are pension plans established on a plant or even on a wider industry basis through collective bargaining, the best or even a satisfactory approach to the problem of old age retirement?

The question of legal obligation to bargain over the issue of the establishment of a pension plan has come up in arbitrations and before the National Labor Relations Board. In an important arbitration case in April, 1942, involving the Northland Greyhound Lines, Inc., of St. Paul, Minnesota, an arbitrator held that the unilateral putting into effect of a retirement annuity plan by the company was a matter affecting wages and working conditions. As such, it was held that it should have been the subject of negotiations because the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

collective bargaining contract called for negotiations on all questions concerning wages and working conditions. Obviously this ruling could not be construed as controlling any other situation. Furthermore, the arbitrator might have been in error in his finding. Certainly many would disagree with it. Although not controlling, it might be inferred, however, that where the parties have established contractual relations and the wording of the contract can be construed to include pensions as a wage matter or as a condition of employment, that the contract would obligate the parties to bargain rather than allow the employer to act unilaterally. Of course, also, it might be reasoned from such a case that unless an employer had committed himself by agreement to bargain on the issue, he would have no obligation to do so.

The question has more appropriately come before the National Labor Relations Board and has been considered in light of the meaning of "collective bargaining" under the National Labor Relations Act and the Labor-Management Relations Act. The last word, perhaps, has not been said. Nevertheless, two developments of great significance have occurred. When General Motors Corporation attempted to establish a pension plan unilaterally and the United Automobile Workers filed a complaint alleging that the company was engaged in an unfair labor practice, Mr. Robert N. Denham, General Counsel to the Board, ordered the company to bargain on the matter. The action of the General Counsel was based on an agreement of General Motors with the United Automobile Workers in previous negotiations that it would discuss pension plans in the future.

A more significant development has come about through the Inland Steel Company case, ruled upon by the Board on April 13, 1948. The issue was pointedly stated. Must pension plans be the subject of collective bargaining between an employer and the representatives of his employees under the Labor-Management Relations Act?

Several years ago the Inland Steel Company established a pension plan. Since the war the steelworkers have filed an "unfair labor practice" charge against the Company. Following this, a complaint was issued by the National Labor Relations Board and the matter went on for a hearing and ruling by the Board. During the hearings, the Inland Steel Company challenged the legal conclusion that it had engaged in an "unfair labor practice" through its failure and refusal to discuss with the Union, in 1945 and 1946, the amendments and application of the terms of the pension and retirement program and their relation to the collective bargaining contract then in effect. The Company contended, first, that the Act excludes pension and retirement plans from the area of collective bargaining, and, second, that the construction of the collective bargaining agreement in effect between the parties at the time the alleged refusal to bargain occurred, contained a waiver by the Union of any right to bargain about pension and retirement programs. The Company also contended that the Act does not obligate bargaining about pension and retirement plans because such plans are not, as a practical matter, adaptable to the processes of collective bargaining or to the device of a trade union agreement.

The contention that pension plans do not legally fall within the area of collective bargaining centers in several questions, do pension payments fall within the definition of "wages" as used in the National Labor Relations Act and the Labor-Management Relations Act; do conditions set up under a pension plan fall within the scope of "conditions of employment" as set out in the same Acts? What was the intent of Congress in enacting the National Labor Relations Act in 1935 and the Labor-Management Relations Act in 1947?

The Inland Steel Company argued negatively that the term "wages," as used in the Act, means "wages earned" by employees for actual performance of work or productive activity, and that pension benefits are based on the economic philosophy that holds that such benefits are not earned by the expenditure of productive effort on the part of employees, but are determined by the length of time over which employees perform their work. The Company contends that pension benefits are not wages earned, they are gratuities. The Board refused to be governed by any merit which this philosophy carries, insisting that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"there is no basis for concluding that such a narrow and technical definition of 'wages' was intended by Congress in delineating the statutory area of collective bargaining." The Board holds that when Congress set out to encourage "collective bargaining as to 'wage rates and the purchasing power of wage earners' as a means of eliminating industrial strife," it used the broad phraseology "wages and other conditions of employment" instead of "rates of pay." Holding the opinion that the term "wages" must be construed to include emoluments of value, like pension and insurance benefits, which may accrue to employees out of their employment relationship and which are "an economic enhancement of the employee's money wages," the Board said, "there is indeed an inseparable nexus between an employee's current compensation and his future pension benefits." The Board supports its position by reference to the definition and meaning of "wages" under the Social Security Act, which embraces remuneration for any service performed by an employee for his employer and which has had the blessing of the Supreme Court, and by reference to the Treasury Department regulations governing income taxation, which since 1918 have included pension and retirement allowances as income falling under the definition of wages as compensation for personal services.

The Inland Steel Company denies that a pension plan constitutes a "condition of employment" as to which collective bargaining is obligatory under the Act. While it admits that the retirement rule, which compels severance of the employment relation at the age of 65, affects tenure of employment, it contends that the Act does not compel bargaining on such matters. It argues that the term "conditions of employment" has no broader meaning than that suggested by the term "working conditions" and that it, therefore, refers to the physical conditions under which employees are compelled to work rather than to the terms or conditions under which employment status is afforded or withdrawn. The Board came to the conclusion that pension plans affect tenure of employment and, therefore, lie within the statutory scope of collective bargaining. The intent of Congress when the legislation was passed sheds light on this.

To support its position that it was not the intention of Congress to include pension plans within the scope of collective bargaining, the Inland Steel Company refers to statements made by Senator Wagner and other members of the Senate Committee on Education and Labor that the Act did not interfere with the "freedom of employers to establish pension benefits." The National Labor Relations Board holds that the Committee was only explaining, and that Congress held that contributions to a pension plan would not be considered unlawful under the National Labor Relations Act. The Board then went on to a consideration of the question whether in reenacting and amending the National Labor Relations Act the Eightieth Congress narrowed the scope of collective bargaining as conceived in 1935. It concludes that there is compelling evidence in the legislative history of the amended Act that the Eightieth Congress realized that pension and retirement plans fall within the meaning of the terms "wage or other conditions of employment." The issue was brought to the attention of the Senate when Senator Wagner pointed out: "By substituting the narrower term 'working conditions' for the present broader term 'conditions of employment' the bill would narrow the scope of collective bargaining to exclude. . . . . perhaps, pension plans . . . . which properly belong in the employer-employee relationship and in regard to which the employer should not have the power of industrial absolutism." In the ensuing debate the proposed words of limitation were deleted from the final bill that Senator Taft reported to the Senate. Instead, the phrase "conditions of employment" reappeared. In the original bill passed by the House, and sent to the Senate, insurance and welfare plans were excluded from the scope of collective bargaining after the matter had been specifically considered. Nevertheless, the restrictive definition of collective bargaining contained in the original House bill was eliminated in the Senate-House conference bill which passed in the House on June 4, 1947. The broader Senate definition was accepted.

Without regard to statutes, it is sometimes contended that a requirement to bargain over terms of a pension plan is a violation of "management prerogatives." If this term is

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

defined as "those rights, or that authority, which management must have in order successfully to carry out its functions of managing the enterprise" it would appear that pension plans could not be claimed as falling within such a category. If management prerogatives are made synonymous with managing functions, covering the organizing, the arranging, and the directing of the components of the enterprise (men, machinery, materials, and money), it still does not necessarily follow that management should have the right to establish unilaterally and administer a pension plan any more than any number of things which have been established under collective bargaining.

Even if it is currently true that pension plans fall within the legal scope of collective bargaining, by the same token, it follows that by action of Congress they might be lifted from it. In any event, the crux of the question before us is not primarily the legal one. As a matter of fact, the real issue is not even the feasibility of creating pension plans through collective bargaining. The complexity of factors involved might make it difficult to work out a satisfactory plan, but plans already worked out through the collective bargaining process show that this obstacle is not insurmountable. The real issue is whether appropriate plans can be worked out and established soundly on this basis.

Several questions present themselves. Can the cost of such plans be adequately and safely financed? In some instances the answer to this would appear to be "yes" and in some instances "no," depending in part upon the size of the group covered by the plan and the nature of the industry. Finance must be planned to cover the life span of all individuals included within the plan. It is probably fair to say that no single firm or industry meets this test over any projected time span which would have to be considered in any adequate plan. Of more importance than this question, however, is the one having to do with the impact upon the labor market. Firm or industry pension plans would tend to make the labor supply more inflexible and would discourage movement because of the inability to transfer pension equities. In some industries this would not be as serious as in others. It probably would be damaging to the economy. Consequences of this type do not follow from a universal, or wide, government pension program.

It would appear that pension plans fall within the scope of collective bargaining under present legislation. It also seems clear that pension plans, although involved and complicated, can be worked out and established through collective bargaining. It does not follow, however, that they should fall within the scope of collective bargaining or, by the same token, that they should be established widely by individual firms. From a social point of view, if pensions are desirable, they should be established on the broadest base possible, so as to provide the most adequate and sound financing, and so as not to destroy flexibility of labor supply.

When asked why he never got excited no matter what went wrong, a man replied: "Oh, it's just a matter of environment. You see, I have a wife, five children, two dogs, and a cigarette lighter." —*Boston Globe*

The story of Adam and Eve was being told in the children's Bible class and it had been made very plain that God had to drive Adam and Eve out of the Garden of Eden.

Following the story the children were told to draw some pictures that would illustrate the story of the lesson. Little Joe was much interested and drew the picture of a car with three people in it. In the front seat, behind the wheel was a man and in the back seat a man and a woman. The teacher was at a loss to know how this illustrated the lesson of Adam and Eve.

But little Joe was prompt with his explanation. "Why that is God driving Adam and Eve out of the Garden!"

—*Christian Life & Times*

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Goats on The Left

By
ROBERT
FRANCIS

IN Jesus' picture of the Last Judgment, the sheep were placed on the right, you remember, and the goats on the left. Since only sheep and goats were involved, there were only right and left in the picture, and no middle.

Left has probably always been the unlucky, the unpropitious side. Our word "sinister" is the Latin word for "left." Our word "right" is opposed not only to "left" but also to "wrong." Why does a goat belong on the left?

"And before him shall be gathered all nations," reads the passage in the twenty-fifth chapter of Saint Matthew. "And he shall separate them one from another, as a shepherd divideth his sheep from the goats: And he shall set the sheep on his right hand, but the goats on the left. Then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world. . . . Then shall he say also unto them on the left hand, Depart from me, ye cursed, into everlasting fire, prepared for the devil and his angels."

So far as I can find out, goats and sheep are of equal value to the Palestinian shepherd. If the flesh of the sheep is preferred to the flesh of the goat, the milk of the goat is preferred to the milk of the sheep. And in a country of scanty forage it is important that the goat can get a living where the sheep could not. When the shepherd divides his sheep from his goats, it is for convenience and not for condemnation. According to Hastings' *Dictionary of the Bible,* "Goats are among the most valued possessions of the people of Palestine. . . . They are led to pasture with the sheep, but are from time to time separated from them for milking, herding, and even feeding."

But in thus segregating his goats from his sheep for practical purposes, does the shepherd customarily and instinctively put the goats on the left? Does he regard his goats as economically equal to his sheep but morally inferior? Is the goat somehow an evil animal? The importance of the scapegoat in the Hebrew religion, contrasted with the symbolic exaltation of the sheep or lamb in Jesus' teaching, would imply that this was so.

If Jesus' picture of the Last Judgment reflects such a prejudice against goats, in one particular the picture is not true to fact. The shepherd's goats, having been put on the left, will go on living and the shepherd will go on taking care of them. But the human goats on the left are to be utterly destroyed.

Is it not a major irony that the teacher who taught that all men, being sons of God, are brothers one of another is also represented as prophesying an ultimately and irreconcilably divided world? And as having given a classic picture of that division? They can hardly be the same world: the one that consists of brothers, and the one that consists of sheep and goats.

To dichotomize is a natural tendency of the human mind. From the time that the infant begins to distinguish the self from the not-self, he is busy dividing the world in two along various lines of cleavage. One segment includes the self and all that is associated with self; the other includes what is foreign to the self. Or one segment includes what is desirable to the self, and the other of what is undesirable. To the Jew of Jesus' time the world consisted of Jews and Gentiles. To the Greek it consisted of Greeks and Barbarians. To the farmer it has always consisted of cultivated plants and weeds. To the simple shepherd it consists not primarily of sheep and goats, but rather of *his* sheep and goats on the one hand and of his neighbor's sheep and goats on the other. Or of all sheep and goats versus wolves and robbers. Only in the eyes of the Absolute

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Judge are sheep and goats permanently divided and opposed. John Calvin, with some justification from the Bible passage under discussion, believed that the real dividing takes place not at the end of the world but at the beginning. Could any sharper cleavage be conceived than that between the Elect and the Damned, both predestined "from the foundation of the world?"

The psychology of the Last Judgment, which is the archetype of all absolute judgments, is thus twofold: (1) The world consists of sheep and goats and of nothing in between, (2) the sheep are good and belong on the right whereas the goats are evil and belong on the left.

As long as the sheep are substantially outnumbered by the goats, they are content to defend themselves by maintaining a moral exclusiveness. But when the sheep equal or surpass the goats in number, they take on an aggressive and crusading spirit. It becomes clearer and clearer to the sheep and goats alike that the world is not large enough for them both. It cannot endure half-goat and half-sheep. War, however much to be regretted, becomes inevitable.

War indeed is the natural result of any fixed dichotomy. The goats, having been grouped on the left, will not stay on the left if allowed to move about freely. They will mingle with the sheep again. And the sheep, for one reason or another, persist in mingling with the goats. Weeds invade the field from which they were formerly excluded. Greek trades with Barbarian. Jew marries Gentile. What was divided in theory breaks down in practice. When this natural diffusion is allowed to proceed, we have peace. When the diffusion is halted, we have war.

No one need be told that in war the aim of each side is to destroy the other. But in order to destroy the other effectively, each side must first find the other worthy of destruction. It must discover the Enemy as wrong as possible. Though the sheep have always twitted the goats on their capriciousness, they now ascribe to them fantastically depraved food habits. And the goats, having often taunted the sheep with being stupid and mass-minded, now attribute to them every sort of evil trick.

Conversely, each side, to be worthy of being the destroyer, must discover itself as right as possible. Admission of error, begging of pardon, deferring to another's point of view, avoidance of self-justification (all of them acknowledged virtues in the individual), are regarded as weaknesses, even treasonable weaknesses, in the goat state or the sheep commonwealth.

A divided world tends toward war; and the tending toward war divides that world ever more violently. What may have begun as a matter of convenient classification becomes a moral judgment, and moral judgments imply the sanctification and perpetuation of division.

Is it not also an irony of history that, in addition to the goats, certain political parties are on the left? To be sure, the reason for those parties being on the left is not the same as the reason for the goats being there. It is a different left. But in the minds of people on the right the two lefts may easily be confused, especially when the left is an extreme left. Left is inevitably a sinister position either for goats or for men.

Though intellectual and moral dichotomy is an inveterate habit of the human mind, common today as in the less-critical past, it is flatly opposed by all man's most trustworthy knowledge and purest insights. "It is a fundamental of taxonomy," write the authors of the *Kinsey Report,* "that nature rarely deals with discrete categories. Only the human mind invents categories and tries to force facts into separate pigeonholes. The living world is a continuum in each and every one of its aspects." Mankind does not consist of short men and tall men, of young men and old men, of white men and black men, but rather of men in whom height, age, color, or any other of countless measurable qualities is distributed continuously along a scale. It certainly does not consist of normal men and abnormal men. I can think of only one respect in which human beings are definitely divided into two groups, and that is sex, but even here the division is not absolute.

If it is folly to try to divide men into the tall and the short, how much greater folly to try to divide them into the good and the bad, the merciful and the unmerciful! Yet this is the basis of the Last Judgment. The sheep are those who have fed the hungry, clothed the naked, visited the sick, befriended the stranger.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The goats are those who have failed to. But who has not sometimes been generous and merciful? And who has not sometimes failed?

Still more fantastically distorted would be a division between nation and nation on ethical grounds. Burke's classic dictum still stands: "I do not know the method of drawing up an indictment against a whole people." Yet in our present world not a day passes that ten thousand moral indictments are not drawn up against some nation, class, or party. And war is precisely the drawing up of an indictment against a whole people. It is not only the drawing up of an indictment, but also the giving of a verdict, the decision as to punishment, and the attempt to carry that punishment out. War is the negation of man's basic intellectual virtue: discrimination. Julian Huxley's plea that we earnestly consider whether we may not be merely *less wrong* than our opponents, is scarcely compatible with the psychology of the Last Judgment or of the Generals.

Just as surely as man's most trustworthy knowledge opposes any absolute dichotomy of humanity, just so surely it corroborates Jesus' teaching of the brotherhood of man. Biology, anthropology, psychology, history, comparative literature, and many other fields of knowledge confirm the fact of the interrelatedness of mankind, and prove that human beings resemble one another more than they differ from one another.

The Church has, of course, preached the brotherhood of man. It has also preached the concept of the sheep-and-goats, unaware of how effectively one doctrine cancels out the other. Only by renouncing the Judgment psychology (whether regarded as a genuine teaching of Jesus or as an apocryphal accretion), and by preaching unqualifiedly the spiritual unity of mankind, can the Church exert a saving influence on the destinies of nations. Right now, when ever increasingly the Left menaces the Right and the Right menaces the Left, the Church needs above all to teach intellectual and moral discrimination.

The controversy between America and Russia, the most conspicuous modern counterpart of the Last Judgment, may be analyzed into four factors. That these factors exist can hardly be denied, however variously one might weight them. Nor can it be denied that an impartial view would take all four into consideration.

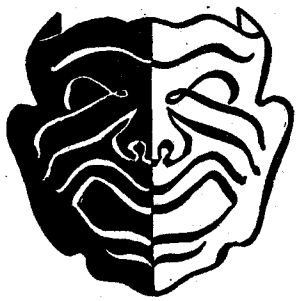
(1) Wrong elements in Russian policy.
(2) Right elements in American policy.
(3) Right elements in Russian policy.
(4) Wrong elements in American policy.

Here in America there is small likelihood that (1) and (2) will be under-emphasized. The Church scarcely needs to preach what the State and the Press are abundantly able and willing to point out. The likelihood of under-emphasis is with (3) and (4). However, even to touch on (3) exposes an individual or an organization to misinterpretation of motive and to the charge of disloyalty, and so requires exceptional courage. But to express one's convictions as to (4) requires no more courage than the average American clergyman possesses. Surely it takes no unusual courage to condemn the materialistic tone of American life, a tone which is inevitably reflected in American policy. Nor does it take exceptional courage, in most sections of the country anyway, to urge the extention of fundamental American rights to large minorities of our fellow citizens. Even such highly controversial matters as the unilateral retention of naval and air bases acquired during the war, our vacillating policy on Palestine, and our initial use and continued manufacture of atomic bombs, can be dealt with openly without exposing the speaker to the danger of tar and feathers.

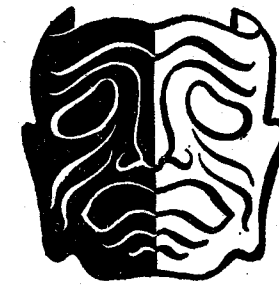
A whole-hearted and united concern for our own national short-comings would powerfully help to correct those short-comings, would check the advance of the cold war, and would give all nations, including our own, a new confidence in our motives.

Our most insidious danger is that in all our dividing and judging we will lose sight of the real character of individuals whether on the right or on the left. With all their faults, sheep have a few praiseworthy traits: gentleness, docility, and esprit de corps. And with all their faults, goats (which supply a considerable part of the world with its milk and which make a living where sheep cannot), might be commended for their hardihood, friendliness, and something close to intellectual curiosity.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



The THEATRE ARTS



by John Gassner

Of all the plays produced recently none was more timely or engrossing than *The Insect Comedy* revived by José Ferrer for a brief run at New York's City Center of Drama and Music. The play, it may be recalled, is the work of two notable and noble Czechs, Karel and Josef Capek. After writing his famous fantasy, *R. U. R. (Rossum's Universal Robots),* in 1921 to protest the soulless regimentation of labor by modern industry, Karel Capek, joined by his sculptor brother Josef, turned a searchlight on all humanity and all nature. *The Insect Comedy,* produced also under the titles, *The World We Live In* and *And so ad infinitum,* was one of several European and American plays during the early 1920's that brought a mature appraisal of the modern world into the theatre.

Employing the device of a Vagrant, who has fled from the horrors of the city—of the human hive—into the forest, only to encounter the horrors of non-human nature, the authors draw a searing parallel between men and insects in terms that Swift would have admired. In fact, it would surprise no one if *Gulliver's Travels* were found to be the direct inspiration of this Slavic *tour de force.* Puzzled by life, harried in spirit, and somewhat inebriated, the tramp sees the eternal round of life in episodes that expose the failure of love, *laissez faire,* collectivist regimentation, imperialism, and life itself. Before him unrolls the panorama of insects behaving like insects, which is frightening enough in itself; and of men behaving like insects, which is an even grimmer nightmare since the human species considers itself superior to the rest of creation by virtue of its capacity for reason and morality. An amoral world of nature is bad enough; an amoral world of man is intolerable. It is possible to forgive the former on the plea that it doesn't know what it is doing and has no standards of right and wrong, but how shall man be forgiven.

The Vagrant watching the procession of life sees the eternal mating under the symbol of butterfly love-making. Disillusionment comes to him as he observes Felix, the butterfly poet, and his female flutterers: "the male pursues the female, the bride allures then slips away, the male follows," until one ardent wooer is snapped up by a bird, whereupon the thoughtless breed returns to its round of folly, Felix spouts more modernistic verse about the "geometry of souls," and the tramp remembers his own insanity.

But no sooner has this fantasy ended than the world grows somber and the butterfly world is supplanted by the obscenely avaricious beetle world, with a male and female beetle pushing their bolus of manure and fondling it as the supreme accomplishment of a lifetime of toil. They have made their "pile," they sniff at it lovingly, they seek ardently for a hole or Fort Knox in which to bury their gold before they go on to make another "pile." The climax comes when another beetle, a marauder, whisks the ball of fertilizer away from them in order to bury it in his own private hole. As played by two members of Mr. Ferrer's cast (Stanley Carlson and the former musical comedy star, Paula Laurence), this scene is a masterpiece of social satire.

It is excelled only by the next episode in which the Ichneumon Fly, brilliantly played by Robert Carroll, exemplifies the predatory instinct in its sentimental parental phase—the Fly captures crickets for his insatiable, precious larvae. His victims, Mr. and Mrs. Cricket, are the little people of the world who

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

seem to have been created only in order that they may be preyed upon, although the Capek Brothers' pity for them is mingled with the rueful observation that, for all their pathos, the crickets are quite willing to profit by another's misfortune. Mrs. Cricket is snatched by the Ichneumon Fly just as she is gloating over the agonies of the former occupant of her home, another cricket that had been impaled on a thorn. And since the eater is himself eaten in the end, the Ichneumon Fly's pampered larvae make a good dinner for the Parasite who has been biding *his* time while denouncing the Fly as a scoundrel and crying out against the injustice of the world. By the end of the episode the tramp doesn't know where insect ends and man begins, the motives seem the same and the results are the same: "Throughout the Universe feverish jowls are working! Chew, chew, chew! . . . . Life is the prey of life."

Wearied of such mandibular individualism, the vagrant observer hopes to find surcease in a well regulated world only to find it too well regulated. A way of life other than "the insect greed of self" is needed, there is great need for being part of a world in which we serve something greater than self. But that which is served turns out to be the juggernaut ant-heap state that flattens its members into one endless procession of undifferentiated slaves, workers for industry, and soldiers for war. First they fall on the field of speed, then they fall on the field of battle to satisfy the vanity of demagogues and militarists. The inventor ant's head of glass bursts with a new war-machine, and a new war-machine needs a new war. . . . "Nothing serves the State so much as science." The politicians decide that the Red Ants still need a bit of territory "from the birch-tree to the pine-tree, and a road between two blades of grass, the only open road to the South." Up goes the banner of war and 50,000 ants die "to capture twenty paces of latrines." Both Red and Yellow Ants repeat the same barefaced cant and the same slogan of "Women and embryos to be slaughtered." The Yellows win in the end, and their commander is prating about "Justice, our history, our national honor, our commercial interests" when the disgusted Vagrant grinds him to pieces with the heel of his boot.

Throughout the proceedings a Chrysalis has been crying out to be born, unnoticed by rapacious beetles and suicidal ants, and now it is time for it to emerge into the light of life. Perhaps, the Vagrant reflects, the solution will come from life itself (perhaps it is in Shaw's "Life Force," Bergson's *élan vital,* that the disenchanted seeker will find his mystic solace), but he learns only the brevity of life from the moth world into which he is projected. Life emerges from the chrysalis only to droop and drop a moment later, and with this vision death also comes to the Vagrant, who can only cry out "What is this fearful lack of meaning?" Two Snails, very content with the status quo and untouched by the thought of death, watch his death-struggle with indifference, and the response of two human beings, who find his body in the woods, echoes the snails' sense of relief that they are left alive.

So ends this strangely moving, devastatingly satirical drama, born of post-war disillusionment, a play as timely today as it was in 1921 when the world felt the same dismay over a war fought and a peace won only to be lost. It is a great credit to José Ferrer, George Couloris (who plays the tramp), and the large cast. The staging by Ferrer faltered only in the first act and attained imaginative power in the beetle and ant scenes with the aid of excellent lighting by Herbert Brodkin and telling choreography by Hanya Holm. It is altogether a play and production that should be toured throughout the nation, or duplicated, with some improvements wherever possible.

The negativism, the bleakness of a pessimism relieved but in no way altered by the sardonic dung beetle episode and the butterfly antics of the first act, may be shocking. But the world badly needs a shock to rouse it from its schizophrenia. Nor should it be overlooked that there is affirmation in negation as intense as this. The world must be loved to be castigated with such passionateness, and men who cry out against humanity's blunders are themselves representatives of the humanity that transcends the insect world to which we seem so inclined to reduce ourselves. And if the brevity of life cannot be dismissed, it can only spur us on to make the most of it by the exercise of right reason and good will. In the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

very act of writing a modern *Gulliver's Travels,* founded on J. H. Fabré's *La Vie des Insectes* and *Souvenirs Entomologiques,* the Capek brothers managed to triumph over defeat. They survived to write *The Makropoulos Affair* in 1923, on the dubious desirability of longevity, and *Adam the Creator,* on the theme of rebuilding humanity on its ruins, in 1927. Then in the embattled 1930's, Karel Capek engaged the subject of dictatorship in *The White Scourge* and the problem of averting a second war in *The Mother.* These plays were written in 1937 and 1938, the year of their author's death in his forty-eighth year. If he had survived a little longer, he would probably have died in Hitler's hands as one of Europe's staunchest enemies of Europe's will to death.

The revival of *The Insect Comedy* is, however, an unpleasant reminder that in the theatre, as in the political arena of the atomic age, we are worse off than we were in 1921. The state of our world seems to be unhappily reflected by our dramatists. After 1918, the stage attained an imaginative power that enabled it to engage a war-weary, disenchanted, and confused world. *The Insect Comedy* and *R. U. R.* found such companion pieces as Franz Wefel's vatic *Goat Song,* Ernst Toller's *Masse-Mensch,* Elmer Rice's *The Adding Machine,* O'Neill's *The Hairy Ape,* and O'Casey's *Juno and the Paycock* and *The Plough and the Stars.* Against this galaxy we have virtually nothing to set since Arthur Laurents' *Home of the Brave.* Perhaps we may add the current *Command Decision* and *Mr. Roberts* to make the record seem less meager, but the factual and equivocal nature of the former's indictment of war and the surface showmanship of the latter can hardly be considered substitutes for the plays of the 1920's. The depth and vibrancy of works like *The Insect Comedy,* the expressiveness of theatrical form, the passion of the anguish, and the bite of the protest, seem to have eluded us thus far. Even despair requires a certain straw of optimism to which to cling if it is not to be submerged under the surface, because even despair is purposeful and challenging in creative men. Purpose confounded, confusion compounded, and courage impounded may well be the "obit" written on the flea-bitten soul of an age that betrays its failure in the theatre.

In conclusion, it may be noted that the same City Center company recently brought other classics to the stage, Ben Jonson's *The Alchemist* and O'Neill's *S. S. Glencairn* series of one-act sea-pieces.

As a satire on human credulity *The Alchemist* is distinctly pertinent—the transmutation of metals may no longer be a fiction, but the reality—in the form of the atomic bomb—is just as productive of human folly. In spite of an engaging performance by Nan McFarland and an enlivening one by Ferrer, the production seemed less compelling than one might have expected, and this time the blame could not quite be shifted to the producer's shoulders. Somehow Ben Jonson seems tame on a subject he projected in terms so special to his age, even if the theme itself remains invulnerable to time and so-called "modern enlightenment." If inadequacy of production is to be brought up, it is more appropriate to cite it in the case of the *S. S. Glencairn* plays, since only one of them (the least remarkable of them at that), *In the Zone,* was fully realized in the staging and acting.

These plays are nonetheless important to the American theatre, and like the Capek play can serve to remind us that the post-1918 stage was possessed of a ferment still absent in the present post-war period. Only *In the Zone,* the drama of the sailor who is suspected of spying, is conventional in construction and devoid of larger implications. The apprentice work, *Bound East for Cardiff,* which substitutes a sailor's dying moments of recollection for plot, and *In the Zone,* the ironic story of how a Swede is fleeced in a pub and abducted to sea, touch the strings of human pity with an honesty still rare in the Broadway theatre; and *The Moon of the Caribees,* an almost plotless evocation of life on the sea, represents a complete departure from machine-made drama. If the one-acters prove to be rather less remarkable than when they were originally produced, even when allowances are made for flaws in the recent production, they can still wring the heart and touch the imagination. If they belong to theatrical history, they also belong to the contemporary stage; *Mr. Roberts* may be a superb piece of showmanship but O'Neill's sea-pieces remain dramatic literature.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Thistle Seed in the Wind

(Existentialist)

Pioneer, paratrooper, missionary of the gospel seed,
Discoverer, skylarker, parable of solitude,
Where is the mathematics, wisp, to tell your chance?
If when you fall you fail,
Are lost and the seed die,
At least you will have made the great voyage out,
Your sun-saluting sail alone on the blue ocean-sky.
Hail, voyager, hail!

ROBERT FRANCIS

Like a Man in Love

Had solitude a face, the face were lovely,
Had silence voice, it were a lovely sound:
I have desired, as man desires a woman,
Rejoiced in these, as in a woman found.

Alone, I have all but touched the palpable presence,
Nearer than ever another could be near,
And had, of stillness, intimate communions
Larger than words whittled to fit the ear.

Often at morning, oftener still at midnight,
I have gone out from rooms, I have left behind
Faces of friends, voices of friends speaking—
Knowing the face and the voice I went to find.

DAVID MORTON

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

JASPER R. LEWIS

Books in brief

Franco Spain during World War II offers a fruitful field for study, particularly because the regime survived the tragedy endured by the Axis partners. On the brink of joining the Axis all through the war, Franco's group managed to pilot the country safely by its own skillful maneuvering, the aid of German brains, and sometimes by the blundering tactics of the allied diplomats. *The Spanish Story,* by Herbert Feis, (Knopf, $3.50), is history as it should be written; devoid of battles, and military opinions, it gives the causes and effects, the political and personal reasons behind each move. Feis writes partly from his own experiences. Serving as adviser on international economic affairs in the State Department from 1931 to 1944, he knows Washington official life. He had a part in some of the work described in the book. At times his very knowledge of detail slows up his story, but it serves to emphasize the facts and to reveal the bureaucratic brakes on progress. He does not fulminate against Franco, but accepts him as the entrenched dictator of Spain.

The United States recognized Franco's administration in 1939, and from then on it was a game in which Spain variously pleaded or demanded American wheat, cotton, and oil. Her own economy was prostrated by her civil war. On one side stood Hitler and Mussolini, eyeing the possibilities of Gibraltar; on the other, Britain and France, and later Britain alone. Through the years of rising Nazi power, Franco all but plunged. At first American diplomats did what they could to help the British cause. It was an open secret during the war that American goods were going to Spain, even though the latter was helping the Axis. It was the theory that on the one hand we offset German blandishments; on the other, we also received needed Spanish products, like wolfram. Here Feis tells the steps by which our government, acting closely with Britain's, sometimes cajoled Spain and sometimes shivered lest what we were doing would produce results opposite to our purpose.

Occasionally the several departments in Washington worked against each other, just as did Cabinet members. Frequently British policy dictated or suggested our course of action. It must be admitted that in Spain various officials likewise worked against each other according to their lights. These things demonstrate how little principle and patriotism have to do with warfare, just as scrap iron and oil mean profits first and munitions after. The arduous efforts of Rieber of Texas Oil for his German friends demonstrate this.

One has to read the book with its detailed conversations and explanations to understand what modern war is. True, Feis naturally feels that our alphabetical bureaus were top-flight achievements, while some of us may differ, but that is unimportant. The point is that here is a valuable record of part of the war scene, that is, at the same time, a powerful argument for intelligence to ban warfare as it does nothing for the masses, in any country, under any form of government.

Less concerned with the external features of World War II, except in its reactions on domestic issues, *The Masquerade in Spain,* by Charles Foltz, Jr., (Houghton Mifflin, $4.00), is another eye-opener. Foltz's primary objective appears to be the development of the situations that led to Franco's rise, and the exposition of the real canker at the root of Spanish misfortunes. His divulgence of stupidity on the part of democratic diplomats, including our own, may be incidental. It is revealing, for all that, of how easy it is to fool so-called "statesmen."

With a background of experience on the European staff of A.P., part of it as chief of bureau in Madrid, Foltz is well equipped to interpret the moods and miseries of Spain. He

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

offers a wonderful argument for Communists, although the Spanish masses do not favor Marxism. In reviewing the history of Spain in recent years, he places definite responsibility for its poverty, for its attitude in the war, and even for Franco, on the "Spanish Family." This would correspond with America's "Sixty Families." It is the controlling layer in Spain, made up of the aristocracy, the clergy, the wealthier, and the army. This oligarchy has ruled Spain for centuries. Each era that has proved threatening to the oligarchy has produced a change of managers, but never a change of masters.

Foltz shows how the revolutionary program antecedents of the Falange movement, intended to improve the lot of the masses, eventually were lost when the "Family," sensing a suitable new vehicle, took it over lock, stock, and barrel. Even Franco was less a maker of a dictatorship than he was the selected leader chosen by the oligarchy. The 26 points which made up the program for the Spanish state needed no alteration to preserve the powers of the vested interests. Interpretation to suit the Family took care of all needs of the masters, whose motto through the ages has been that the Spanish masses were only useful as slaves. In this, the clergy agreed. With the necessary army chiefs to carry out orders, there has been little danger of successful revolution.

Of course, Foltz shows the ease with which the fascist countries helped Franco in his early days, while the approving democracies were fooled into a neutral stand. Hence, when the Axis went into higher gear under Hitler, Franco's sympathies went along. It was the wavering policy of the oligarchy, plus Hitler's realization that neutral Spain was more advantageous to him than a belligerent Spain, that kept Franco out. The United States and Britain continued to supply him with food and raw materials, hoping to attract him away from the Axis. Four million dollars' worth of American Red Cross food, in one period alone, went into black market hands, undoubtedly to the profit of officialdom.

The masquerade is the pretended fight against Communism, which hasn't a chance in Spain. The rest of the world, thoroughly fooled, knowing that Spain abetted Hitler and Mussolini, still pretends that Franco is a good boy. Foltz believes economic collapse is so near in Spain that, if we refuse further aid, the Family will accept a provisional government. All the branches of the Family are ready for a change, "if necessary for something like democracy." Above all, anti-democratic forces the world over judge how far they can go by what Spain gets away with. An alert, realistic United States has the opportunity to help democracy by helping, not the Falangists, but the masses of Spanish people.

BRIEFER COMMENT

FICTION

Pilgrim's Inn, by Elizabeth Goudge, (Coward-McCann, $3.00), is one of those stories of a family that are less concerned with plot than the reflection of real life and real people. It is set in Miss Goudge's beloved England, with a background of countryside, an old house, and the matriarch of the family, who at 86 still heads the roost. The Inn houses all of the characters and makes it their stage.

The Locusts Have No King, by Dawn Powell, (Scribner's, $3.00), has as its central figure a shy writer and intellectual with a successful playwright as a mistress. The plot moves through the literary and theatrical world. Good characterization but light in weight.

Marion Hargrove, the famous *See Here, Private Hargrove,* now fathers *Something's Got to Give,* (Sloane Associates, $3.00). Getting away from war, this is a novel about everyday people, writers who tried to get away from it all but are unsuccessful because of their wives. Fun and pleasant reading.

Definitely a story that started out with a purpose, to exhibit the antics of the upper-crust, the more or less idle and abnormally sexed rich, *Such As We,* by Pierre Sichel, (Reynal & Hitchcock, $3.50), will be sought more for its distasteful verbiage than for its merits. The early portion is far from mature writing; the last two books show promise. I think the story would be improved by deleting the dirt.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Pearl S. Buck's newest about China is *Peony,* (John Day Co., $3.00). It is a little different from her usual formula in that the principal characters stem from the old Jewish settlers in K'aifeng. Here is an admixture of Chinese and Hebrew customs to much the same effect as in our Western circles. It is a tender story.

MISCELLANEOUS

The Price of Power, by Hanson W. Baldwin, (Harper's $3.75), is Major Baldwin's conclusions based on a study for the Council on Foreign Relations. Here is the problem presented by the atomic bomb and its future; here are opinions on Russia, the United States, and other nations in the outline of tomorrow's world. Being a military man, the author analyzes war strength and war objectives, and, of course, defenses. It is both interesting and depressing.

For 20 years Dorothy Detzer was Washington lobbyist for the Women's International League for Peace and Freedom. *Appointment on the Hill,* (Holt, $3.00), is her reminiscences of her work in the Capitol, her disappointments, and her successes and, of course, her contacts with important people. It is modestly written.

Those who like the friendliness and perception of David L. Cohn's writings will enjoy *Where I Was Born and Raised,* (Houghton Mifflin, $4.00). Half of it is his earlier work, *God Shakes Creation,* his interpretation of the South and its people, written in 1935. To that is added a new portion, which is Cohn's description of conditions as he found them in 1947. Cohn is a native Mississippian, and knows the people. There are anecdotes and reminiscences, but most of all there is a very frank discussion of the race question, which is the dominant one in the South. Cohn may be pessimistic, but he is decidedly realistic on the topic.

I'll Never Go Back, by Mikhail Koriakov, (Dutton, $3.00), is the story of a Siberian, his experiences in the Russian Army, as a German prisoner, and later as a refugee from his native land. The author relates the growth of his repugnance of Russian aims and repressions, based on observations of cruelties and inhumanities, and a lack of religious perspective in official life. It is translated by Nicholas Wreden.

The Mediterranean, by Andre Siegfried, (Duell, Sloan & Pearce, $3.00), is a study of the part played by "Our Sea" in the history of the world from the fifteenth century. It is not a history, but it discusses the geography of the region, the several civilizations that have touched it, and its important place in political and economic affairs. It is translated by Doris Hemming.

Over a hundred and fifty years ago pioneering spirits pushing out from Baltimore saw the beginning of what was to become the national road, later to lead to St. Louis. *The National Road,* by Philip D. Jordan, (Bobbs Merrill, $4.00), is history, adventure, and Americana. It is the road's story, its development, its part in the growth of the country, and above all, of the people whose lives it affected. It is a delightful addition to the American Trails Series.

The American Mountain Series, published by Vanguard, offers its latest, *The Berkshires,* The Purple Hills, edited by Roderick Peattie, ($5.00). There are descriptions of the country and its geography, and chapters on bird and plant life, and sports, much in the nature of a travelogue. The story of Tanglewood and the music festival is detailed. It is a pleasant book, but somehow not warm enough for a lover of New England lore.

The age of empire, between 1898 and 1914, is studied in *March of Empire,* by Lowell J. Ragatz, (Lindquist, $3.50). It is a review of the colonial history of Britain, France, Germany, and others, with notes on political, economic, and cultural changes.

Biographical sketches of the four important admirals of the Spanish-American War—Dewey, Mahan, Schley, and Sampson—are fitted together to make *Admirals of American Empire,* by Richard S. West, Jr., (Bobbs Merrill, $4.00). The objective is a study of that period, when an "American Empire" was in the making. The volume essays to show the characters of the four in relation to the prosecution of the war.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

More Than

FIFTY YEARS OF FORUM

The election year of 1920, like the election year 1948, saw the Republicans making a strong bid for a return to power. They had been the "outs" for eight years. Although they have occupied that position twice as long in 1948, the other issues of the campaign were strikingly the same: foreign policy, labor, the Communists, the high cost of living.

Chester M. Wright announced that: *The American Federation of Labor is in politics to win.*

Labor has never felt itself so aggrieved as today. It looks upon the Sixty-sixth Congress as the supreme backslider. It believes no other Congress has gone deeper into the depths of infamy. It writes the word "bad" all over the national legislative assembly and refers doubters to the records.

James Cox, Democratic Nominee for President, offered the following reasons for voting the Democratic ticket:

The Democratic party is today a known quantity. Through two olympiads of achievement it has been writing itself down in positive records of constructive advancement that are open to all. During the same period, the Republican party has necessarily been the party of criticism, opposition, and negative.

. . . . In two sessions of a Republican Congress nothing has been accomplished that the man in the street can recall. And yet those sessions, being after the confusion caused by the greatest of wars, in both domestic and international affairs, were confronted by rich opportunities for the exercise of the highest sort of creative statesmanship. Yet little worthwhile was done, and the things left undone call for greater penitence in the Republican litany than the doing of those things which we ought not to have done.

There was even a call for a new party. Charles H. Ingersoll indicted the Democrats and Republicans in familiar terms:

I believe that everything points to a situation ripe for the appearance of a new party. The growth of the Non-Partisan League in the Northwest, the formation of the American Labor party, the proposed Convention called by the Committee of Forty-Eight for a liberal or a radical party, are all signs of the widespread revolt among the people against the failure of the two old parties to grapple with the existing industrial and social problems.

. . . . It is too much to hope that the fundamental issues here presented will be settled in this campaign, but with their frank and forceful discussion during the struggle and the entrance into the political arena of a thoroughly organized new party the way will be cleared for a fight to the finish on these and other paramount problems in 1924.

There was, however, one new, disturbing factor that had politicians in both parties guessing—women had just been granted the power to vote for President. Mr. Keet asks: "Will women now become a dangerous factor in national affairs, by attempting to seize the reins of power politically, or will they be satisfied, for the most part, to yet follow man's guidance?"

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

YES!

By EMMANUEL JONES

FORUM: Shoul
Unifie

AS the economic well-being of Europe is vital to the rest of the world, so the economic well-being of Germany is vital to Europe. Germany's political well-being will have as enormous an effect on the world, as her political degeneration.

The political unification of Germany is, therefore, a prerequisite for peace and for world economic recovery.

Twentieth century Germany has set off world wars twice within our lifetime, although nineteenth century Germany "was the most nearly peaceful portion of Europe." Since Napoleon's armies began to spread the concept of nationalism, the German people have been struggling for a unified German state embracing *all* Germans in Europe. To partition Germany now would merely sow seeds for future war. The German people have a common culture, history, language, and tradition; their historic urge toward unity cannot be ignored. Germany is an economic unit; a strong industrial Germany is necessary for general recovery in Europe. Last, but not least, several small German states, unable to take care of themselves, would inevitably become bones of contention among the great powers. For all these reasons, I contend that Germany should be unified before any peace treaty is made.

The long-lived German desire for unity is based in part on Germany's sufferings during the Thirty Years War. As Hendrik Van Loon pointed out in the *Story of Mankind:*

"In less than a generation it (the Thirty Years War) turned many parts of Central Europe into a wilderness, where the hungry peasants fought for the carcass of a dead horse with the even hungrier wolf. Five-sixths of all the German towns and villages were destroyed. The Palatinate, in Western Germany, was plundered 28 times. And a population of eighteen million people was reduced to four million."

While France, Great Britain, Spain, and Austria were becoming strong national states, the hundreds of German principalities provided their battlegrounds. Small wonder that the Germans became obsessed with unity; their nationalism, coming late, beat all the stronger. After Bismarck took over the reins, in 1862, the history of Germany became the history of a struggle for unity, for a strong national state able to take "its place in the sun" with the other great powers.

FAILURE OF PARTITION

Historically, it has not proved feasible to enforce partition, in Germany or elsewhere, against a strong national sentiment. The quasi-separation of Germany and Austria and the Allied occupation of the Rhineland after World War I merely provided focal points for tension and sowed seeds for World War II. The "Balkanization" of the Austro-Hungarian empire after the first World War was hardly a success. Today's world is moving toward union rather than separation, and the partition of Germany would merely defeat this trend in Western Europe.

It is true, of course, that pre-Bismarck Germany was a confederation rather than a federation of states, and that in those days German culture reached a high peak. It should not be overlooked, however, that long before Bismarck, the German people were dreaming of and planning for a united *Reich.* In any event, for almost eighty years Germany has been a highly unified state and modern prewar Germany was perhaps the best integrated industrial nation in the world. To attempt more or less permanent partition of this industrial giant would, first of all, cripple European industry and secondly create a strong irredentism.

(*Continued on page 30*)

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Germany be Now?

NO!

By JONATHON WILLIAMS

THERE is today in Germany a powerful Russian propaganda drive for German unity, meaning unity between the Russian and the British-American zones. Ignoring the fact that a unified Germany would be a stronger Germany, the Russians are preoccupied with stirring up dislike of the Western conquerors. Because we must oppose the immediate rebuilding of German strength and because we must oppose the Communization of Germany, I believe that we must remain unalterably opposed to German unity now. There can be no democratic unity as Americans understand it between Bizonia and the Russian zone. Even a strong central government for West Germany would provide a tension point in postwar Europe. This being the case, we must put all our efforts into the establishment of a workable economy for a confederated Western Germany.

Let us review, first of all, the German problem as it has worked out to date. At the present time, the non-functioning Allied Control Council is the only "quasi-governmental organ for the whole country." By January, 1948, fairly complete partition between Eastern and Western Germany was an accomplished fact. More than twenty million Germans were living in the Soviet Zone, which includes Mecklenburg, the remains of Pomerania and of Brandenburg, Saxony-Anhalt, Saxony, Thuringia, and, in Russian eyes, Berlin. Much misunderstanding exists with regard to this zone of Germany. German agricultural surpluses before the war came not from this region primarily but from the provinces now annexed to Poland. Even at the pre-war production rate, the Soviet zone can only produce what it consumes because of the densely populated and highly industrialized regions of Saxony and of Berlin and because of the addition of several million expellees to the population. At the present time, agricultural output has dropped 25 per cent below prewar standards, largely because of the lack of fertilizer.

About six million Germans live in the French Zone, which includes the Rhineland-Palatinate, Southern Baden, and South Württemberg. British-American efforts to unite the French zone with the British-American Zone have to date met with no success.

The remainder of Germany lies in the now-united British-American zone, which runs the length of Germany from the North Sea to the Alps. Schleswig-Holstein, Hamburg, Bremen, lower Saxony, Rhineland-Westphalia, Hesse, Württemberg-Baden, and Bavaria all are included in Bizonia. Within this "rump Germany" live between 43 and 44 million Germans, including about seven million "expellees" from the former East German provinces and from Czechoslovakia, Hungary, Rumania, and Yugoslavia. Bizonia today is the second greatest food deficit area in the world, with only Great Britain less able to feed her own people without importing food. It has been estimated that a daily caloric intake of 2500 per person is an essential minimum for an industrial population over an extended period. Food produced in Bizonia allows 950 calories per person per day; it is estimated that in 1951 more than 1,000 calories per person per day will still have to be met from imported foods.

At the moment, minimum essential imports for Bizonia are financed largely by the United States, to provide a "normal" ration of 1550 calories per person per day. In the long run, Bizonia must look to the rest of the world to feed her population, and very large exports will be required of her if she is to pay for the food imported. As Percy W. Bidewell has pointed out (*Harpers,* February, 1948):

(*Continued on page 31*)

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

(*Continued from page 28*)

To take up these points in reverse order: partition would create ill-feeling among the Germans not only of our generation but of generations to come. Commenting on irredentism at a University of Chicago Round Table, Professor Frank Graham, of Princeton, declared:

"I mean the spirit of wanting to get back what you have had taken away from you—the sort of thing that would encourage Germany to intrigue with all other nations, to try to get alliances, to wage war, and to drive a wedge between the Russians, the British, and ourselves, which would make it easy and perhaps successful for them to begin another conflict."

Let us learn from the last war and its aftermath. Although the Allies were able to prevent a customs union between a republican Germany and Austria, they were completely helpless to prevent the later union of a dangerously militaristic Germany and Austria. In the same way, today the Allies would be able to enforce partition of the German states, thus weakening democratic German elements. Later, however, it would not be easy to prevent a strong German union.

A number of weak German states in the heart of Europe, furthermore, would create a tension point far greater than that of the Balkans. The only object of partition is the permanent weakening of Germany militarily; it goes without saying, then, that none of the new principalities would be able to defend itself. Each of them, therefore, would search for alliances with one or another of the Great Powers for security reasons. The Great Powers, it is safe to assume, would scramble for control over the potential satellites; witness their behavior over most of the world today! The resulting ill-feeling between, say, the U.S.S.R. and the Western powers would surely play into the hands of unscrupulous Germans eager to see war start among the Great Powers. Given a strong national feeling among the German people, further, the separate states would constantly intrigue for union, and well-intentioned German democrats who ignored this issue would soon find themselves repudiated by their countrymen. Historically and politically, the partition of Germany into several small states has little to recommend it.

Poiner in *The Detroit Free Press*

"Nervous Dove"

The economic result of such a partition would be ruinous not only to Germany but to Europe as a whole. The integration of German highways, railroads, and canals is the result of 80 years of effort. Without free and limitless trade among the various geographic regions of Germany, its economy will never recover. It is misfortune enough that the rich agricultural eastern provinces have been handed over to Poland, thus saddling the Allies with an enormous food bill for expellees. It is doubly unfortunate that to date no progress has been made toward trade between the Soviet zone of Germany and the Western zones. Food from the fertile regions of Soviet Germany would help solve the nutrition problem in Bizonia. If Western Germany had adequate fertilizer, it could produce far more food for its own population. Major potash deposits, however, are now in the Russian zone. Not only would food conditions improve, but other industry would pick up, too. German industry prior to World War II was very much interrelated. Ruhr factories, for example, provided the machinery for Saxony's textile mills; cameras made in Wetzlar received lenses from Russian-occupied Jena.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

That Germany is an economic unit was recognized clearly at Potsdam. As a Department of State Bulletin pointed out:

> The level of industry plan is expressly based on the assumption that Germany will be treated as a single economic unit. The Potsdam Agreement, article III, paragraph 14, provides that Germany shall be so treated during the period of occupation and that to this end common policies shall be established with respect to mining and industrial production and allocations; agriculture, forestry, and fishing; wages, prices, and rationing; import and export programs and customs; reparation and removal of industrial war potential and transportation and communications.

"These provisions," the report adds, "have remained largely a dead letter." The fact remains, however, that the economic division of Germany would be shortsighted and impractical. Customs unions among the several states would, therefore, have to be permitted. A single coinage system would probably be vital to industrial recovery of the German principalities. Once this is admitted, the plan for partition is revealed as hopeless. The only forceful argument for the division of Germany is that such an act will weaken Germany and make it militarily ineffective. If German industry is permitted to integrate, military power will not be prevented by political division. And if Germany is divided economically as well as politically, Europe will never recover an adequate living standard.

This then is the dilemma; and the answer does not lie in the direction of partition. If the U.S.S.R. and the United States can compose their differences, then a unified "rump" Germany in the heart of Europe, free to develop peacefully in every direction, will not be the cause of another war. If the U.S.S.R. and the United States cannot "agree to disagree," then the possibility of dividing East and West will always tempt the German people, whether they are united or, by force, divided.

This being so, it is equally obvious that unity between the Russian and Western zones of Germany and agreement between Russia and the Western Allies is a prerequisite of German peace-making. Every attempt on the part of the United States and Great Britain to make peace with Western Germany adds impetus to Russian propaganda. A complete split between Bizonia and Soviet Germany will only widen the gap between the U.S.S.R. and the Western powers and tighten the iron curtain. The Soviet Union in this instance is right: German unity must come before the peace-making. This is not to say that Germany must be reconstituted as a unified state; I believe it should be reconstructed with a federal form of government. But *one state* it must be! This issue must be met and faced before the European Recovery Program goes further. To say that it cannot be solved is to say that the next world war is just around the corner.

(*Continued from page 29*)

"Economically, Western Germany lacks balance. It has great industrial potential but no hinterland. Its specialized factories have been cut off from sources of raw material in the Eastern zone and from the supplementary industries with which they were formerly interdependent."

It cannot be denied that the Iron Curtain which separates Bizonia from Soviet Germany is economically crippling to the German people. The conscious Allied plan to lower the German "level of industry" has, of course, decreased production. In those industries still permitted to operate, undernourishment, poor housing, inadequate transportation, and inflation have taken their toll of the workers. Whether we like it or not, the United States and Great Britain must take steps to help the German economy or face endless support of the German population. And whether we like it or not, a productive Germany is vital to the recovery of the European economy. It is in fact more than likely that some extension of E.R.P. must be made to Bizonia, in order to hasten the effectiveness of the program.

Unity between Eastern and Western Germany, however, is not the solution to the problem. Not the split between East and West Germany, but the loss of the annexed provinces and the "expellees" have occasioned the present German economic crisis. Those who cry, "Make peace with a unified Germany"

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

must reflect that there is no Germany to make peace with. The Allied policy toward Germany, briefly expressed in the catchphrase "Unconditional Surrender" made it necessary for the occupying powers to assume a tremendous economic, political, and moral responsibility toward the late enemy. The Potsdam Declaration of August 2, 1945, is still the framework of our German policy. To the best of our ability, we have proceeded with the five "d's"—demilitarization, deindustrialization, denazification, decentralization, and democratization.

Americans must be willing to admit that the annexation of Germany's eastern provinces by Poland and the expelling of millions of Germans from these areas were agreed to by both the United States and Great Britain. Our weak protest that the boundaries fixed at Potsdam were not to be considered permanent holds little water when we consider American and British acquiescence in the wholesale transfer of populations that took place subsequently. In the light of the brave principles of the Atlantic Charter, there is some substance to the charge that the United States and Great Britain acted in bad faith at Potsdam. If this is true, the United States is now paying for its blunder. German agricultural surpluses before the war came from the rich and fertile eastern provinces now annexed to Poland. No future unification of the Soviet zone and Bizonia can solve this difficulty. The evacuation of Germans from the annexed areas added untold difficulties to the food problem. One-sixth of the population of Bizonia is made up of displaced persons; the cost of feeding Bizonia would be halved if these persons were not present. France's refusal to admit any expellees to her zone has magnified the problem.

Burck for the *Chicago Sun-Times Syndicate*

It is impossible to deny that unification of the Russian zone with Bizonia would in some ways help solve the dilemma. Between 17 and 20 million Germans have been added to the Soviet bloc if we plan more or less permanent exclusion of this zone from our new "Germany." As my opponent points out, "a complete split between Bizonia and Soviet Germany will only widen the gap between the U.S.S.R. and the Western powers and tighten the iron curtain."

Yet if we do not build up Bizonia as a separate state, what is our alternative? The U.S.S.R. is strong for a unified Germany, but only on its own terms. These include participation in Ruhr industry control and reparations from current German production. Should we agree to these terms, and unify Germany with Soviet participation, we would find the U.S.S.R. blocking us at will, with the Soviet veto removing any possibility of independent action on the part of the democratic powers. The economic order of Western Germany and, therefore, of Western Europe would be threatened by the strongly organized Communist party in the Eastern zone.

Nor can we make peace with the whole of Germany without consulting representatives from the Soviet Zone. To do so would be to deny all the democratic principles for which the Western powers stand. Only Soviet ideology would permit making a peace with a whole nation, when 20 million of its inhabitants were gagged.

To postpone indefinitely a peace settlement with Western Germany until we can come to some agreement with the Soviet Union would be to court disaster. Before the war Germany

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was the strongest economic unit on the continent of Europe and European recovery is still dependent upon German recovery. The stabilization of the West German economy must be a cornerstone of any successful European recovery program. West Germany outside the Atlantic Community might well turn to the U.S.S.R. for help, and a Communist West Germany would be a death blow to hopes for democratic European recovery.

A confederation of the German states making up West Germany and the subsequent inclusion of this confederation in the European family are the only courses open to us now. To prevent the growth of a new war machine in the *Reich,* every attempt must be made to oppose a strong central government even for West Germany. There must, of course, be a customs union among the several *Laender* but political separation must be maintained for many years to come. As my opponent points out, economic union will provide the German states with war potential. I do not see how this can be avoided. Yet the Allies can make certain that no united German police force is devised and that no national, central government comes into being, strong enough to plan war. Bavaria alone will not make plans for war. A customs union alone will not provide the centralized administration which makes war feasible. As in the days before Bismarck, the German provinces must begin again a peaceful cultural development. If their economic well-being is assured, this will attract many Germans today.

Separate peace treaties must, therefore, be concluded with the several states in Bizonia and in the French zone of Germany. These new states must then be allowed to form a customs union and E.R.P. must be extended to include them. European recovery is impossible without Germany and German recovery is contingent on the development of international trade, with which to feed her population. The decision to hand over Germany's eastern provinces has been made long since; sovietization of Eastern Germany is an accomplished fact. The future does not look bright in any event, but time alone will not solve the dilemma. This being true, only one course is open to the Western powers: plans for the unification of all Germany must be abandoned and peace must be made with the western provinces.

Shopper—"I want to buy an alarm clock. One that will wake up my husband without arousing the whole family."

"Sorry, Madam," replied the clerk, "we haven't that kind. All we have is the ordinary kind that will wake up the whole family without disturbing father."

—*Capper's Weekly*

Robert Schuman, an eight-year-old baseball fan, arrived home at 5:30 A.M. recently and told the police and his frantic parents that he had been searching the streets for ice cream wrappers. An ice cream company was giving a baseball glove away for wrappers. Robert showed the 15 wrappers that he had picked up during the night, and told all assembled that with only 435 more the glove would be his.

To our four-year-old son, anything from a penny to a 50-cent piece is a "nickel." Recently we took him to an elite restaurant for Sunday luncheon. Having coached him how to act "grown up" at the table, we were rewarded by his being a model of decorum throughout our meal.

As my husband left the table to pay the rather sizeable bill, the piping clear voice of our son called out loudly and anxiously: "Daddy! Why did you leave these two nickels under your plate?"

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Captain Decker's
Revolution

Yokosuka:

PILOT PLANT OF DEMOCRACY

By BLAKE CLARK

BEFORE the war, the Japanese naval base of Yokosuka, ten miles south of Yokohama, was a forbidden city, surrounded by mystery and fear. Nine admirals kept the population subjugated and directed 120,000 men who worked night and day constructing torpedoes, submarines, and battleships. An eight-foot concrete wall more than five miles long surrounded this secret armament center, which even few Japanese had ever seen. No foreigner had been permitted inside for 26 years. Mysterious Yokosuka symbolized authority-ridden, feudal Japan.

Today, Yokosuka is a pilot plant for democracy in the Far East. Its citizens elect their own city officials, have formed Japan's first post-war Red Cross, a Parent Teachers' Association, a women's club—the largest in the world—and have adopted many other state-side methods. It is the most Americanized city in Japan. "They're doing it in Yokosuka" is the battle-cry in more backward parts of the nation.

The man chiefly responsible is Captain Benton Weaver Decker, a former Annapolis wrestler and later professor of navigation and seamanship at the Academy. When the war broke, he shipped out as executive officer of the first battleship commissioned after Pearl Harbor—the *South Dakota*. He fought most of the war in the South Pacific, emerging as skipper of the *Maryland*.

Captain Decker arrived at Yokosuka in June, 1946, about a year after the Fourth Regiment of American Marines had swarmed ashore to occupy the city. He found what had become the most important United States naval base in the Far East shockingly inefficient and corrupt. A freight car on the base was the happy home of a number of sailors and their Japanese girl friends. They were coining money on the black market by selling electric coffee pots, radios, sleeping bags, and other goods from the ship's store. A trusted steward in a single deal provided illegal brokers with a ton of sugar stolen from the officers' mess.

Decker found Americans treating the defeated Japanese as if they were still at war. Although the success of the base depended largely on the cooperation of thousands of Japanese workers, garish war-time posters all over the base depicted ferocious, buck-toothed Japanese soldiers with swords drawn. Captions proclaimed, "Remember, these are the bastards who raped Nanking!" Officers cursed all Japanese to their faces, raced through crowded city streets with sirens roaring.

Benny Decker went in with fists flying. "This isn't a United States Navy base; it's a pig sty!" he roared at a general staff meeting. "We want a taut ship." He separated the sailors from their shacks and sweethearts. He tore down the offensive posters.

Captain Decker found the Japanese community demoralized by suffering and starvation. Thousands of civilians prowled the streets, restless and hungry, scrabbling for food and fuel. Sanitary conditions were appalling; there was no sewage system. Clouds of disease-spreading flies blackened the skies. Deserted barracks and buildings were infested with rats. Patients suffering from con-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tagious diseases filled the hospital wards and overflowed into the halls. Cholera and typhus were common.

Decker arranged to have Marine fliers spray the city with D.D.T. Seamen were detailed to spray ponds and stagnant pools. Others tore down rotten, rat-infested buildings. The discarded lumber—20 truckloads a day—was dumped in a vacant lot where the Japanese lined up by the thousands to collect firewood for the cold winter months. It was the first kindness they had received from an American.

Led by a Barnard College graduate, Mrs. Aiko Takaoka, whom Decker discovered in Yokosuka, members of Japan's first post-war Red Cross unit set up kiosks at the entrance to the railroad station where they sprayed passengers with D.D.T. In teams they sprayed the schools and the children's clothing. Over loud speakers throughout the city they requested businessmen to bring in their families for treatment at centrally located stations.

Soon Mrs. Takaoka had 4,000 well-organized Red Cross members working under district leaders. They rounded up Yokosukans for anti-tuberculosis shots, X-ray pictures, typhoid inoculations, and smallpox vaccinations.

HOSPITAL INSPECTION

With his medical chief, Captain John Quincy Owsley, a noted eye and throat specialist from Nashville, Tennessee, Decker inspected the hospitals. The two men were appalled at conditions. Patients' families were living beside hospital beds, cooking in the wards, and throwing trash on the rear grounds. At the largest hospital in the city, the pile of rat and vermin infested paper, bottles, used bandages, and linen reached up to the third story. It filled 75 truck loads when it was hauled away.

Formerly reserved for Japanese navy patients, a thousand of whom were crowded into its rooms, wards, and halls, this hospital was converted into a sanitary 300-bed institution, and thrown open to the public. To supervise it, Decker selected 65-year-old Catholic Bishop Albert Breton, an urbane, white-bearded French missionary whose enthusiasm for good works had not been dampened by wartime internment. The genial patriarch moved in with his flock of 12 Japanese nuns, one an M.D. Christening their new home St. Joseph's, they briskly cleaned out the families from the wards, hauled dozens of truckloads of dirt from the corridors, and set up standards to make the patron saint proud of his hospital.

Captain Owsley and his helpers scoured 12 other hospitals, left them in responsible hands, and returned for regular tours of inspection.

Decker knew that the city's continued good health depended ultimately upon its economic well-being. Scattered over the many square miles of the Navy base grounds were scores of deserted buildings which once housed armament factories. Why shouldn't they be used by Japanese industrialists to provide employment for Yokosuka's citizens and products needed for peace-time consumption?

Japanese businessmen were invited to make proposals for the use of the buildings. In the fall of 1946, Mr. Katsuo Sakuma, an executive of an electrical concern, presented a practical plan to re-build broken-down Japanese buses and propel them by electricity rather than gasoline, which in Japan is scarce and expensive. This was just the kind of proposal that Decker welcomed. Motor transportation was acutely needed.

Since then, 342 workers in the former ordnance plant have rebuilt 343 buses which have been sold to the Tokyo City Transportation Company.

Cotton spinners were given a part of the former Naval Technical Air Arsenal; it was built of reinforced concrete strong enough to resist the vibration of heavy textile machinery. Using shoddy and waste cotton 152 workers each day loomed 117 pounds of homespun material to help fill Japan's acute need for textiles. Sent to other manufacturers, it was made into men's suits and women's inexpensive jackets.

A Japanese engineer, Kazuo Tajima, asked permission to use certain idle machine tools and furnaces to forge desperately needed agricultural implements. Soon 300 workers were fashioning melted down guns, shell casing, and torpedo parts into plows, rakes, hoes, and shovels.

By now more than eighty new peace-time industries have come to Yokosuka—among

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

them a furniture factory, a pulp paper plant, a whale processing industry, seven textile factories, a glass works, a bicycle assembly plant, two sawmills, and a food refrigeration plant. Helping rebuild Japan, they also reduce the cost of occupation for the United States.

Mrs. Takaoka and others convinced Decker that of all the underprivileged in Japan, the women had most to gain by the new American ideals of freedom and equality. He learned that they had once had the temerity to found a small women's club. It had been summarily abolished by Japanese Navy officials in 1943. Summoning its former president, Mrs. Kazuko Mabuchi, Decker asked her to enlist the help of Yokosuka women in a program of charity and self-advancement.

In a matter of months, the Yokosuka Women's Club had 58,000 dues-paying members, the largest woman's club in the world. Their first project was founding an orphanage for some 120 waifs whom Marines had found wandering homeless and starving. Then the Club opened a sewing school which was so successful that soon machines were whirring in 30 similar schools throughout the city. Enthusiastic club members initiated a city-wide campaign to dig drainage ditches and clean up debris which was hauled away in Navy trucks. In their attractive clubhouse, formerly the Port Director's office overlooking the harbor, they established an information bureau, where women can get aid in solving their problems, which range from interpretations of the new constitution to questions of a personal nature.

Using feminine ingenuity to raise funds for their numerous enterprises, the club women collected empty beer cans from enlisted men's clubs and started a toy factory, making tin autos and airplanes. Their most popular model, an acrobatic racing car which flopped on its back in a realistic spill, drew a single order for 12,000 dozen. Impressed, the Japanese department of agriculture asked them if they could make 1,000,000 small paper bags to clip around growing apples to protect them from pests. They farmed out the order to 10,000 members as a cottage industry and produced the bags in record time.

Decker had his disappointments. A group of Japanese calling themselves the Yokosuka Livestock Union had obtained the concession of collecting Navy garbage. On a tip, Decker had the 50-gallon containers collected from the Chief Petty Officers' Club investigated. Packed in the bottoms were neat paper bags of white rice placed there by an accomplice in the kitchen. In other containers were hams, boxes of spaghetti, and cartons of fresh eggs. Collectors were becoming millionaires by peddling this "garbage" to Japanese hotels.

The young Commander asked if the Women's Club could handle the concession. The women jumped at the chance. Employing 75 people, mostly women, four motor trucks, and ten horse-carts, the Club collected and classified wastepaper for sale to pulp mills, sold empty beer bottles, and out of the carefully sorted debris reaped a profit of 400,000 yen each month.

Decker has even made the Women's Club his parole board. A Japanese is sentenced in provost court, say, for black market operations. His neighbors take up his case with the Club. They present Decker with a petition declaring, "We assume full responsibility for the good conduct of this man." Usually the offender is out of jail and on parole in three days. Of nearly 200 so released, not one has yet caused trouble a second time. But the man who fails to gain the confidence of his women neighbors remains in jail for the duration of his sentence.

EDUCATION

Yokosuka still lacked education and culture. Decker invited suggestions from church leaders. Yoshio Shirayama, dean of The Mabe Memorial Baptist College, set up a university in deserted buildings near Opama airfield. The cold winter wind whistled through shattered windows, but 2,000 overcoated students huddled together in the classrooms listening intently to teachers.

Catholic Father Gustav Voss converted a group of machine shops into fresh-painted classroom buildings, a gymnasium, and a chapel, set in a neat, green 25-acre college campus. Methodists opened an engineering college. The Hand Maids of the Sacred Heart started a grammar and high school.

A former Japanese officers' club, used as a

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

taxi dance hall and famous for its contribution to Yokosuka's high venereal disease rate, was turned into a community center by Mr. Everett Thompson, a Protestant missionary. For its first project, a sewing class for needy war widows, Decker released a storeroom full of blue and white Japanese battle-flags. The women made them into girls' dresses and boys' blue suits with white collars. They made the silk rope binding into hooked rugs. The clothing was rationed to needy families who paid only the cost of the labor.

Workers in the center turned potential juvenile delinquents into Girl Scouts, cared for the babies of working mothers, taught English, and set up a children's library. More than 5,000 Yokosuka men, women, and young people participated in one or more of these activities each month.

To help the schools help themselves, Decker introduced the Parent-Teachers Association. The United States was supplying supplementary rations for schools, but the teachers, unaccustomed to American-style cooking, were mixing dried fish, powdered milk, and canned vegetables into an unsavory gruel. The P.T.A. hired a dietician to instruct teachers and mothers in methods of cooking foreign food. Children were soon smacking their lips over palatable hot lunches, washed down with foaming cups of milk.

In the residential section of the city, Decker found a number of former high-ranking Japanese Navy officers, who were now penniless and ripe for any underground organization that might arise from the ashes of defeat. Needing pilots who knew the harbor, he gave several of them the jobs. Others directed road gangs and repairmen. One organized helpers for the United States Marines; the new Japanese aides were trained to identify and search outgoing Japanese vehicles. They carried no guns; if trouble rose, they blew the whistle for a Marine. When Japanese were set to catching Japanese, robberies from buildings on the base decreased.

Today, Yokosuka is a busy place. The Navy Base, the most important repair yard west of Mare Island and Bremerton, Washington, takes care of more ships than it did a year ago. It can drydock the largest battleship in the fleet; its service contingent is equipped to make parts which would require weeks or months to come from the states. The success of the base is due in large part to the economic and physical health of the community.

Best of all community improvements is the attitude of the Japanese themselves. Captain Decker believes that when the United States occupation forces pull out, Yokosukans will be able to handle their own affairs. "They've had a taste of democracy," he says, "and they like it. Whoever tries to take it away from them will have his hands full."

Decker is the best-loved man in Yokosuka. Grateful citizens have had a bust made of him by a famous Japanese sculptor, and are completing a 15-acre park to be named in his honor. Recently, word got around that the revered Captain might be sent off on a new tour of duty elsewhere. The Yokosuka Municipal Assembly immediately called a mass meeting and petitioned General MacArthur to permit Captain Decker, "adored and respected by each citizen of Yokosuka," to remain "for the sake of the city's progress." A committee called on Decker. "In case you are not retained," said the spokesman, "we want you to resign from the Navy, become a Japanese citizen, and run for mayor."

In church for the first time, the little boy watched, wide-eyed, as the choir, all in white surplices, filed in. With wonder in his voice, he whispered hoarsely, "Are *all* those people going to get their hair cut?"

—*Louisville Courier-Journal Magazine*

Members of the Boston Celtics professional basketball team wear green uniforms decorated with shamrocks. When the squad takes the floor for its home games, the theme song played is *It's a Great Day for the Irish.* The first-string lineup for the Celtics is composed of Marischin, Riebe, Sadowski, Spector, and Garfinkle.

—T. J. McInerney, *Catholic Digest*

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CONGRESS DEBATES:
The Draft

ON March 17, President Truman asked a joint session of Congress for a renewal of the Selective Service Act and enactment of universal military training legislation. One hour later, the Senate Armed Services Committee, under Chairman Chan Gurney, of South Dakota, began work on the bill.

Conceding the fact that a military conscription bill could not be passed in an election year, the Committee reported a bill on May 12 that dealt only with the President's draft request. It came to the floor of the Senate on June 3 and was passed on June 10 by a vote of 78-10.

The "battle of the amendments" attached to the bill reveals the pressures brought to bear upon Congress in this election year, 1948. Special interest groups are served. Although an amendment was passed exempting servicemen from paying a poll tax wherever it is a requirement for voting, six other "civil rights" amendments introduced by Senator Langer, of North Dakota, were tabled or rejected. They were aimed at abolishing segregation policies. Senator Russell, of Georgia, introduced an amendment to preserve these same policies.

Some senators attempted to enhance the standing of Congress at the expense of the President. Senator Capehart, of Indiana, for example, introduced an amendment leaving it up to the President to "push the button" on the draft bill, thus saddling the executive with the responsibility for the actual draft.

The Kem amendment, revising the Army courts-martial system, was passed over the obvious protest of the War Department.

Forum presents below excerpts from the debate on a peace-time draft bill.[1]

* * *

Mr. ELLENDER, Democrat, Louisiana. If we should end segregation in our armed services, and seek to enforce integration of the races, it would be a tragedy of great proportions. As General Eisenhower said in his testimony before the Senate Armed Services Committee, the Army is a mirror which we can hold up to our faces and see the United States of America. As we cannot expect to end overnight the pattern of segregation in the United States without infinite harm and mischief, so we cannot expect to force its end in the Army. I fear that such a step, if it were carried out, would remove our armed establishments from the ranks of history's greatest, a position they attained by hard, courageous conflict that won many brilliant victories, and it would relegate them to the ranks of listless mediocrity.

Mr. President, the junior Senator from Georgia submitted some most impressive figures showing how much greater the crime record of the Negro soldier is than that of the white soldier. I dislike to discuss the subject further, and thereby expose the wretched crime record of civilian Negroes in contrast to the whites. I propose to show, however, that the crime record of the Negro soldier, although under strict military discipline, virtually follows the same pattern as the crime record of civilian Negroes, also that the Negro crime record is far more pronounced than that of the whites.

Mr. President, it is not my purpose to read in detail the exhibits which I have to

1 *Congressional Record, The Senate,* Vol. 94, No. 104, pp. 7726-7727, 7731-7733, 7735-7737, 7752-7754, 7756-7760, 7793-7796, 7798-7800, 7802-7803.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

present to the Senate, but I wish to call the attention of Senators to certain crime statistics for selected cities during the years 1946 and 1947.

These figures conclusively prove a position that I have always maintained, Mr. President, and that is that the Negroes, given relatively more freedom in northern cities and states, engage in criminal and violent activities at a rate shockingly higher than Negroes in southern cities and states where we understand the Negro people and are able to cope with the situation. The more freedom and the more privilege a Negro is given, the more he will abuse that freedom and privilege. He will run wild and do violence to the society in which he moves. Later, during my remarks, I will point out that the crime rate among Negroes in the Army, where the American Negro perhaps had more privilege and more equality than at any other time of his life, closely paralleled the crime rate among Negroes in northern cities.

The distinguished Senator from Georgia has already cited crime statistics for the city of Detroit, Michigan. I wish now to refer to the statistics for our nation's Capitol, the city of Washington. During the year 1947 in Washington, 6,011 persons were arrested on charges of murder, manslaughter, larceny, burglary, robbery, rape, aggravated assault, and auto theft. Of that number, 4,415, or 73.45 per cent, were colored people, notwithstanding the fact that the Negroes make up only 21.87 per cent of Washington's population of 1,176,612.

Figures for the crimes I mentioned show that the rate of arrest among white people in Washington is 17.3 per 10,000, and 171.8 per 10,000 colored people—a ratio of ten to one. In other words, in the category of crimes I mentioned, committed within the confines of the city of Washington, one white man committed a crime for every ten colored people, despite the fact that white people outnumber the colored in Washington by almost four to one.

Let us examine a few of the individual crime categories. In 1947, in Washington, four white people were arrested for murder and 63 colored people were arrested for the same crime—a ratio of 15 to 1. For burglary, 1,825 Negroes were arrested as compared to 540 whites—a ratio of more than three to one. For aggravated assault, 999 Negroes as compared to 121 whites—or a ratio of eight to one.

The city of Detroit, Michigan, had a population of 1,785,000, of which 11.43 per cent is colored. The number of arrests made in Detroit for the same categories of crime just indicated was 3,057; and of that number, 1,647, or 53.87 per cent, were colored people. That reflects a rate of arrest of 80.7 per 10,000 Negroes and 8.9 per 10,000 whites—a ratio of nine to one. In other words, every time one white man in Detroit was arrested for one of the crimes enumerated—that is, murder, manslaughter, larceny, burglary, robbery, rape, aggravated assault, and auto theft—nine colored people were arrested.

In St. Louis, Mo., in 1947, there were 4,510 arrests made for the same crimes. Two thousand two hundred and ninety-three of that number, or 50.84 per cent, were colored people, although Negroes account for only 11.76 per cent of the 924,813 people who reside in St. Louis. The rate of arrest per 10,000 Negroes in that city in 1947 was 212.3, and the rate per 10,000 whites was 27.6—a ratio of 7½ to 1.

In contrast, Mr. President, let us examine the crime statistics, covering exactly the same categories as previously mentioned, for the city of New Orleans. In 1947 there were a total of 1,986 arrests made for the categories mentioned, of which 1,216, or 61.22 per cent, were Negroes. The Negro population of New Orleans is much higher, percentagewise, than of Washington, Detroit, or St. Louis, yet the rate of arrest in New Orleans per 10,000 Negroes was 60.8, as compared to 171.8, 80.7, and 212.3 for those three cities, respectively. The ratio of white rate to Negro rate for New Orleans was less than three to one, as compared to nine and ten to one for the other cities.

I have here, Mr. President, statistics for nine other southern cities, selected at random, and they show without a doubt that the Negro crime rate in the South is tremendously lower than that which prevails in northern cities. Bear in mind the rate of arrests per 10,000 Negroes in Washington, 171.8, and consider that the Negro rate in 1947 for

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Houston, Tex., was 61.0; for Charleston, S. C., was 51.4; for Shreveport, La., 54.1; and for Jacksonville, Fla., in 1946, was 29.9, all of this despite the fact that the Negroes constitute a much higher percentage of the population of the southern cities mentioned, sometimes approaching 50 per cent. . . .

Mr. President, these figures that I have been quoting compare with the figures submitted on yesterday by the distinguished Senator from Georgia as to the crime record of the colored soldiers in contrast to the white soldiers in the Army, and it is of this matter that I should like to speak next.

I hold in my hand a statistical table showing the rate per 100,000 enlisted men in the Army, by race and principal offense, committed to confinement during the year 1945.

Let us consider the crime of murder. The rate of commitment of white soldiers was less than one per 100,000, while the rate for Negro soldiers was nine per 100,000, a ratio of more than nine to one.

During that year Negro soldiers were confined for the crime of rape at the rate of 13 per 100,000 and white soldiers were committed at a rate of less than one, or a ratio of more than 13 to 1.

Consider manslaughter. The rate for Negroes was 12 while the rate for white soldiers was two, a ratio of six to one.

In the case of burglary and housebreaking, soldiers were sent to jail at a rate of 11 Negroes and three whites, a ratio of almost four to one.

For robbery, the Negro rate was 11 and the white rate three, again a ratio of almost four to one.

Those figures, I think, Mr. President, are very impressive, and as I have indicated, they compare with the figures that I have submitted here today for Washington, Detroit, and St. Louis. In those cities the ratio of Negro crime to white crime ranged from seven to one to ten to one, and the Army statistics I have just quoted show substantially the same trend among Negro soldiers. . . .

Those who favor an end to segregation in the armed forces advance the argument that the Negro's exploits in the recent war prove he is equally as good a soldier as the white American. I say they argue that line, but they fall far short of proof, because their argument is based on fancy and not fact.

During the war, we witnessed the War Department, the Office of War Information, and many other government agencies carry on an amazing propaganda campaign aimed as an attempt to prove that the American Negro was a good soldier, indeed, a superior soldier. I suppose there is no actual accounting of the money that was spent for films, pamphlets, photographs, radio time, and so forth, through which this propaganda was presented, but certainly it ran into the hundreds of thousands of dollars.

It was well nigh impossible during the war to raise a voice against that propaganda because a would-be protestor was accused of race baiting, sowing seeds of racial unrest, delaying the war effort, and so forth. Now that the war is over, however, the cold logic of facts and statistics are available to put the lie to the claim that the Negro was a great soldier or even a good soldier.

As an interesting side light, Mr. President, I should like to bring the attention of the Senate to certain decorations awarded by the Army. During the recent war 289 Congressional Medals of Honor were awarded to Army personnel, and not one went to a Negro. Four thousand four hundred and thirty-four Distinguished Service Crosses were awarded Army personnel, and only five went to Negroes.

Now, in this instance, the Negroes cannot dust off their customary excuses for failing to equal the ability and performance of whites. They cannot claim discrimination or lack of opportunity. The Negroes demanded proportionate representation in the armed forces. They insisted upon having Negro combat units. The Negro press wrote glowing accounts of Negro bravery and heroism on the fighting fronts. We all know that the War Department spent thousands of dollars and millions of hours trying to convince the American people and the world that the Negro was a first-rate soldier. They bent over backward praising the Negro soldier and insisting that he was equal to the white. If such were the case, it would seem that decorations should have gone to Negro personnel in approximate proportion to the number who served. But ap-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

parently the Negro's champions in the War Department could not find even one instance of courageous and intrepid action on the part of a Negro soldier that would warrant the award of the cherished Congressional Medal, and the five Distinguished Service Crosses awarded to Negroes fall far short of being their proportionate share.

* * *

Mr. MCCELLAN, Democrat, Arkansas. The pending amendment should have the support of every Member of Congress who is sincere in saying he is interested in protecting minority groups, that he is interested in protecting the dignity of the individual, and that he wishes to require this service at the least possible sacrifice to the individuals who will be required to give it. The pending amendment does not do violence to the integrity, the dignity, or the self-respect of any race, any class, or any individual who will be affected by the legislation. Instead, this amendment guarantees to each individual certain rights and liberties. It guarantees the right of choice with respect to his closest and most intimate associations while in the military service. It does not deny to the Negroes the right to associate with the whites; it does not deny to the whites the right to be associated with the Negroes and to be in the same units with them if they so choose. It simply accords to each individual the right to determine for himself whether, while giving this service to his country and while making this sacrifice for his country, he shall choose to serve in units, the personnel of which is made up of members of his own race.

What is wrong with that? Should not this right be granted and preserved?

Mr. President, we should remember that we are not now engaged in war. There is no demand or emergency which requires that our young men be in mixed units while in the service. We are not now engaged in battle. We are simply providing training, so as to be prepared should war come.

Under these circumstances, when we take into account the sacrifices we are requiring these young men of all races to make, certainly there should be accorded to them by the Congress of the United States, and under the law as enacted, every privilege, so long as it is not inconsistent with the best interests of the service, which they would take for themselves and have the right to take for themselves and do take for themselves in civilian life. Shall we say to them, "We will compel you to serve; and yet, in order to appease an ideology that is false in its concept from the very beginning"—the ideology that we must try to build up one minority group by law into an alleged, but false, position of being a superior race, "we shall compel associations that are repugnant to the consciences and sense of propriety and decency of a vast majority of those who will be conscripted into the service?" Mr. President, we cannot by law make black white, and neither can we legislate superior intelligence out of the white race and transplant it into the black race. Segregation of the two races is just as prudent and necessary in military service as it is desirable in civilian life.

WHITE SERVITUDE

Mr. President, those who vote against this amendment will vote to impose by law a condition of servitude on the white youth of this nation that they will righteously resent. It will also be said to the Negro youth, when he is drafted, "You cannot have the privilege of serving in a unit composed of other members of your own race. We deny that right to you, but we will place you in units where very likely you will meet"—and in all practical aspects of the matter we know they will meet—"with superior competition as regards opportunities for advancement, opportunities for recognition, opportunities of securing a commission, opportunities of advancing to the grade of warrant officer." Certainly their opportunities in those respects will be greatly impaired and lessened if they are forced to compete with the white race. Let us also consider what we shall be doing to the white boy who then will be taken away from his home, where he is under parental care and under the comforting and wholesome influence of home life and community life among friends of his own race. We shall also be taking him away from his school associations, where he is undertaking to avail himself of the opportunities afforded him to get an education. We shall be taking him away from all those pleasant

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

friendships, associations, and influences, and placing him in the military service for two years. At the time when he registers for service and enters it, all that most of the white young men will ask will be, "Do not take me out of this home environment, this association with the members of my own race and my own color, away from my own friends, and put me in a unit where I am compelled to yield my self-respect and accept a social equality with the members of the Negro race that in civilian life I do not recognize as my social equals."

Mr. President, if we go that far, if we deny the liberty that preserves the dignity of the individual citizen of this nation, and if by compulsion of law we force him to have intimate associations in such close contact as a mixed unit will require him to have, right at the very beginning of this program we shall break the spirit of and demoralize hundreds of thousands of young white men who love their country and who are willing to serve it devotedly both in peace and in time of war.

In this amendment they plead only that the Congress not compel them to do that which they do not do in civilian life and that which will not add to the morale of the Army we are trying to build. Shall we compel them to do it, if we do compel them to do, solely for the sake of trying to get a few votes in an election?

Mr. PEPPER, Democrat, Florida. Mr. President, before I begin my remarks, I wonder if I may have the attention of the able Senator from South Dakota, the distinguished chairman of the Committee on Armed Services, who is in charge of the bill upon the floor, so that I may ask him whether he will summarize the position of the armed services upon this subject.

Mr. GURNEY, Republican, South Dakota. Mr. President, I do not know that I can state the complete position of the armed services in summary form. It is an involved question. Nevertheless, the committee, which has accepted the report from the armed services, believe they are now handling the question of races in a very satisfactory, agreeable way. The hearings before the committee were full and complete, including not only testimony by the armed forces but testimony from other sources.

The Army is operating under what is known as the Gillem report. Lieutenant General Gillem made the report, which has been accepted and fully approved by the Secretary. That means there shall be no order against including in any large unit of the armed forces a unit of the minority race, housed in separate barracks and having their own mess facilities. That is quite different from the system which was in vogue during, say, World War I. The plan seems to be operating now very nicely. In summary form, that is about the situation.

I refer the Senator for more complete details to the hearings before the Committee on Armed Services, on universal military training, particularly page 652, which outlines the Gillem report very well. Beginning at the bottom of that page, it states:

> 1. The troop basis for the postwar Army will include Negro troops approximately in the one to ten ratio of the Negro civilian population to the total population of the nation.
>
> 2. To meet the requirements of training and expansion, combat and service units will be organized and activated from the available Negro manpower. Employment will be in Negro regiments or groups, separate battalions or squadrons, and separate companies, troops, or batteries, which will conform in general to other units of the postwar Army. A proportionate number of these units will be organized as part of larger units.

It continues with further details as to how the Army is now operating. Does that in general answer the Senator?

Mr. PEPPER. Mr. President, I wanted to have the statement which has been made by the able Senator from South Dakota, the chairman of the Armed Services Committee, because I think there is a tendency to confuse the facts on this issue. Let it be remembered that this amendment proposes, by an act of the Congress itself, to prescribe the imperative principle of segregation. What I propose to do is to vote the way I voted on the so-called Langer amendments, which amendments were voted upon by the Senate; that is to say, to leave the matter to the discretion and good judgment and wisdom of the armed services themselves, rather than to prescribe by law a principle of imperative nonsegregation or a principle of imperative segregation.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

I want to make it clear that we are talking about the prescribed official relationships of persons in the armed services of the United States when we are dealing with this amendment in the Senate. I want to make it doubly clear for the RECORD that I am not in favor of what the people in my section of the country call social equality, in the sense that the government may tell one whom he can have in his home as a guest, who can eat at his table, who can have social relationships with him. That is a matter of personal prerogative on the part of every citizen of the United States. The Government has nothing to do with it. But when we legislate—

Mr. EASTLAND, Democrat, Mississippi. Mr. President, will the Senator yield for a question?

Mr. PEPPER. In just a moment. We have taken an oath to uphold the Constitution of the United States, and I do not see how we in the Congress can, pursuant to the Constitution of the United States, prescribe in a law an affirmative principle of segregation in official spheres outside of personal and social relationships. The Senate will recall that in respect to the regional educational measure which was considered recently, and of which southern Senators were, I believe, without a single exception, the authors and sponsors, we were prepared to accept an amendment to the effect that no opinion of the Senate was expressed on the question of segregation. That was left for the administrative agencies to work out. I pointed out, in my remarks upon that measure, that if, in its administration, a wrong should be done, the courts of the land were open to those who sought redress for those wrongs. The point was that we were not legislating segregation or nonsegregation on the face of the measure, and that if there were an improper exercise of authority administratively, that was a question for the courts of the land.

Mr. TYDINGS, Democrat, Maryland. Mr. President, I cannot see how anyone who favors segregation or how anyone who does not favor segregation can support the amendment. First of all, those who favor it differ as to its import. The eminent Senator from Georgia [Mr. RUSSELL] says it does not enforce segregation in the Army, while a colleague who argues from the same base says it does enforce segregation in the Army. What a mischievous amendment this is to start with. First of all, it presupposes that a man coming into the Army shall be asked whether he wants to serve in an all-colored unit, an all-white unit, or a mixed unit.

Mr. RUSSELL, Democrat, Georgia. Oh, Mr. President, the Senator clearly misstates the amendment. There is no such choice in it.

Mr. TYDINGS. He shall express his preference for the kind of unit in which he wishes to serve.

Mr. RUSSELL. There is no such provision in the amendment. The Senator should read the amendment.

Mr. TYDINGS. I cannot yield—I have only three minutes—unless the Senator will give me the time to do so.

Mr. RUSSELL. I do not have the time. If I had, I would give it to the Senator. Clearly he has not read the amendment.

Mr. TYDINGS. A man goes into the service, and he has the right to express a preference for the kind of organization in which he shall serve. Is that correct?

Mr. RUSSELL. It is not correct. He may only express a preference as to whether he desires to serve with a unit composed only of members of his own race. He has no other alternative.

Mr. TYDINGS. Let us suppose that he is colored and that he wishes to serve with the white race. Or, suppose that he is white and wishes to serve with the colored race.

Mr. RUSSELL. He cannot do it under the provisions of the amendment.

Mr. TYDINGS. If the Senator will only listen to me. The soldier does not have to write down what his choice is. He can say, "I do not want to serve with my own race."

Mr. RUSSELL. He cannot.

Mr. TYDINGS. He can say, "I want to serve with the other race."

Mr. RUSSELL. He cannot say it under the terms of the amendment.

Mr. TYDINGS. No power in God's world can stop him from writing that on his statement.

Mr. RUSSELL. It would be absolutely unauthorized by law. The amendment provides only that he may express a choice to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

serve with a unit composed only of members of his own race.

Mr. TYDINGS. Even now, without any law, he can address his commanding officer, through military channels, and, if he is a colored man, make a request that he be transferred to a white regiment.

Mr. RUSSELL. Mr. President—

Mr. TYDINGS. I have not yielded, and I will not yield.

Mr. RUSSELL. I can understand why.

Mr. TYDINGS. What I have stated is absolutely true now. The logical consequence is that we shall have men asking to serve in three different branches; namely, a colored branch, a white branch, or a mixed branch. That is inevitable. If we say to a colored man, "Do you wish to serve in units which are composed entirely of members of your own race?" and he says, "No; I wish to serve in units comprised of men of the white race"—

Mr. RUSSELL. I must insist that there is no such alternative.

Mr. TYDINGS. Of course it is not in the amendment, but that is not the only answer he may make to the question. He may be asked whether he wants to serve with those of his own race. He may say, "No; I do not wish to serve with that race. I desire to serve with the white race." Or, if he is a white man, he may say, "No; I do not desire to serve with the white troops. I wish to serve with colored troops." The result would be that we would have confusion compounded in the armed services of the United States.

The PRESIDENT pro tempore. The time of the Senator from Maryland has expired.

Mr. TYDINGS. Mr. President, will the Senator from South Dakota yield me one more minute?

Mr. GURNEY. I yield one minute to the Senator from Maryland.

Mr. TYDINGS. The point is this: The authorities on the amendment, the Senator from Georgia [Mr. RUSSELL] and the Senator from Mississippi [Mr. EASTLAND] disagree as to its merits. The Senator from Mississippi says that it enforces segregation—

Mr. EASTLAND. Mr. President—

Mr. TYDINGS. The Senator from Georgia says that it does not enforce segregation.

Mr. EASTLAND. The Senator—

Mr. TYDINGS. Mr. President, I am not yielding. I listened to the Senator and did not interrupt him. He said that he was supporting the amendment with reservations, because it enforced segregation.

Mr. EASTLAND. I made no such statement.

Mr. TYDINGS. I am surprised that Senators who come from the South and who abhor this attack upon their customs would inject this issue into an armed services bill. I am astounded that they would alienate their real friends and sympathizers by impairing the national defense at a time when it is essential to enact legislation to build up the Army, the Navy, and the Air Force.

Mr. RUSSELL. Mr. President, will the Senator from South Dakota be gracious enough to yield 30 seconds to me?

Mr. GURNEY. I yield 30 seconds to the Senator from Georgia.

Mr. RUSSELL. I wish to say only that the confusion which the Senator from Maryland has undertaken to depict is imaginary. It is exceeded only by the confusion in his own mind as to what the amendment actually provides.

Mr. TYDINGS. Mr. President, will the Senator from South Dakota be gracious enough to yield to me—

Mr. GURNEY. Mr. President, I cannot yield.

The PRESIDENT pro tempore. The Senator from South Dakota declines to yield.

Mr. GURNEY. Mr. President—

The PRESIDENT pro tempore. The Senator from South Dakota is recognized for six minutes.

Mr. GURNEY. Mr. President, I would be terrifically concerned if I felt that the Senate would approve this amendment. Therefore I must have some real reasons why I do not believe that the amendment is necessary, or even germane to the bill.

The committee considered the amendment. I am concerned for a number of reasons. First, it is administratively impossible, I believe, in the first instance. It would require a complete disclosure of every registrant's intention at the time he registered. It would mean that the question would be put to registrants by each local board and by each recruiting office.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

I am wondering just what the thousands of explanations would be all over the country. True enough, we could send out a written memorandum as to exactly what the amendment means in terms of law, so that each local board and each recruiting office could place it properly before a registrant.

Nevertheless, I believe that those who would put the question to registrants or volunteers would have their own interpretation. They would be asked many questions by each one who came up for registration. I think it would require not only minutes, but hours, to explain it thoroughly to the men who come up for registration. I can see that there would be different explanations in cities where there are racial problems—cities such as New York, Chicago, and other cities. Probably in the South, where the colored folks are in a larger percentage, they would understand it. They would know what to answer when they came to the registration place. But in places where there are no racial problems—and that embraces a good percentage of the country—I am sure there would be thousands of different explanations.

I do not believe that the amendment is germane to the bill. I would move to table the amendment except that we had a unanimous-consent agreement last night to vote at 12:30.

I now yield the remainder of my time to the Senator from Massachusetts [Mr. SALTONSTALL].

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized for three minutes.

Mr. SALTONSTALL, Republican, Massachusetts. Mr. President, I should like to add just a word to what the chairman of the committee has said. I listened to the testimony and the discussion in the committee on the amendment of the Senator from Georgia, and I voted against it in the committee for two very simple reasons.

In the first place, assume that a unit was at the front, and that a man was wounded and the company commander needed to fill the place of the man who was wounded. He would have to inquire of the men who were available for substitution to find out if they could serve in that unit, and whether their preference was such as to make them available. That is simply impossible in time of war at the front.

My second reason is equally simple. The amendment provides that the term "unit" means—

> A group of persons serving in the armed forces who (1) share the same housing, messing, or sanitary facilities, or (2) participate jointly in recreational or social activities.

That would mean that someone would have to be placed at the door of a mess hall to find out if a man coming in to be fed was the type that could be fed in that mess hall.

Mr. President, I believe that the amendment is administratively impossible, and that is the reason why I voted against it.

I yield back the remainder of my time.

Mr. GURNEY. Mr. President, I suggest the absence of a quorum.

Mr. TYDINGS. Mr. President, will the Senator withhold his suggestion of the absence of a quorum and allow me one minute? He has the time left.

Mr. GURNEY. Very well.

Mr. TYDINGS. Mr. President, when I was speaking some question was raised about the interpretation of the amendment. Let us read the language of the amendment:

> Any person who registers as required by the terms of this act, and any person who hereafter voluntarily enlists in the armed forces of the United States, shall be afforded an opportunity to state in writing over his signature whether he has a preference to serve only in a unit all of the enlisted personnel of which are of his own race.

Obviously, if he says, "No," then he means he wants to serve with a unit whose other members are not of his own race. There is the answer in a nutshell.

Mr. RUSSELL. He has no opportunity to say "No." No place is provided.

Mr. TYDINGS. What is the use of putting the question to him if he cannot answer it?

Mr. RUSSELL. To preserve the right of the individual to serve with a unit composed of members of his own race.

* * *

The amendment was rejected.

* * *

Mr. Kem, Republican, Missouri. Mr. Presi-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dent, the bill now pending before the Senate proposes that many thousands of young men be taken from their homes and inducted into the armed forces, particularly into the Army. For my part, before I vote to take these young men from their homes, I want to know that they will be subject to a system of military justice consistent with the traditional ideas of fairness and justice of the people of the United States.

KEM AMENDMENT

I have offered an amendment[1] which consists of the exact language of House bill 2575, as passed by the House on January 15, 1948. The purpose of House bill 2575 and the purpose of my amendment are identical. They propose to correct the Articles of War to the end that the Army system of justice may be improved in certain important particulars.

I well remember my own experience during World War I, while serving as a member of an Army court-martial, as a trial judge advocate, and as counsel for accused persons. It was apparent to me then that there was a crying need for change in the system of military justice. After World War I, certain changes were made to provide for a better review of the decisions of general courts-martial. Notwithstanding these changes, Mr. President, during World War II, and since, there has been extended, informed, and, I may say, bitter criticism of the administration of military justice under the existing Articles of War. I doubt if there is a member of the Senate who has not received complaints about what are thought to be miscarriages of justice. Experience gained during the course of World War II indicates beyond any doubt that basic changes are urgently needed. The evidence obtained at extensive hearings indicates in general five basic defects in the present system.

First. Punishments imposed by courts-martial are not uniform for the same offense under similar circumstances.

Second. Members of courts-martial are subject to "command" influence in arriving at findings and imposing sentence.

Third. Punishments vary in degree for officers and enlisted men. Because officers could not be tried except by general courts-martial, and because punishment for officers under Article of War 104 is limited to captains and lieutenants, and as to extent of punishment, officer personnel frequently is permitted to escape disciplinary action of any kind.

Fourth. Qualified defense counsel was too frequently not made available to persons being tried by courts-martial, even for capital offenses.

Fifth. Appellate procedure is inadequate.

Mr. President, in my judgment the underlying causes of these defects are twofold: First, the substantive law, that is the applicable article of war, is not adequate and is in need of revision; second, the quality of personnel assigned to administer military justice is not always competent. I am reliably informed that to a considerable degree during World War II the actual trial of courts martial was conducted by officers of the line, and the members of the Judge Advocate General's Department who were trained in military law were by necessity kept in the headquarters of divisions or larger units. It is in the actual trial of the case where trained personnel is essential. At the trial, the soldier must be adequately represented by counsel and have his case heard by a court composed of competent personnel free from outside influences, or miscarriages of justice are apt to take place. The amendment I propose corrects these two fundamental defects.

I do not take the position that the amendment is a perfect solution. I do maintain that as a whole it is the best proposal that has yet been made. As I have said, the amendment is identical with the provisions of House bill 2575. Therefore, it is appropriate to consider the history of that bill, which has been passed by the House without objection.

Before the end of hostilities in World War II it was apparent to the War Department and to the Congress that a study of the Army system for the administration of justice was necessary. In 1944 and 1945, Colonel Phillip McCook, a prominent New York lawyer, was sent by the War Department to the various theaters of operation to conduct such a study. Immediately after the end of hostilities the War Department Advisory Committee on

1 The Kem Amendment may be found on pages 7747-7752 of the *Record*.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Military Justice was appointed by order of the Secretary of War. The committee, under the chairmanship of the Honorable Arthur T. Vanderbilt, former president of the American Bar Association, now chief justice of the Supreme Court of New Jersey, and referred to as the Vanderbilt committee, consisted of nine outstanding lawyers and Federal jurists from eight States and the District of Columbia.

From March 25, 1946, until December 13, 1946, a period of almost nine months, the members of that committee engaged in studies, investigations, and hearings, and availed themselves of voluminous statistical data of the Judge Advocate General's Department and other sources. At full committee hearings in Washington, the Secretary of War, and Under Secretary of War, the Chief of Staff, the Commander of the Army Ground Forces, the Judge Advocate General, the Assistant Judge Advocate General, numerous other officers, and the representatives of five veterans' organizations were heard. There were numerous personal interviews, supplemented by letters and the digesting of 321 answers to questionnaires from both military and nonmilitary personnel. Additional widely advertised regional public hearings were held at New York, Philadelphia, Baltimore, Raleigh, Atlanta, Chicago, St. Louis, Denver, San Francisco, and Seattle. The subsequent report of the Vanderbilt committee was based on these extensive inquiries.

DURHAM COMMITTEE

In addition, during the Seventy-ninth Congress, a Military Affairs Subcommittee in the House, under the chairmanship of the Honorable CARL T. DURHAM, devoted more than one year to detailed study of the Army system of justice. The report of the Durham committee was thoroughly considered by the House Military Affairs Committee when the bill (H. R. 2575) was prepared.

Additional studies have been conducted by special committees of the American Legion, V.F.W., A.M.V.E.T.S., A.V.C., the New York County Lawyers Association, the War Veterans' Bar Association, the Judge Advocate Generals' Association, and the Phi Alpha Delta law fraternity. The reports and recommendations of each of these groups were made available to the Armed Services Committee and representatives of each of the organizations appeared before the committee in public hearings in support of their recommendations. Other witnesses, who, for one reason or other, had particular knowledge of the subject, or had had service and experience in the administration of justice during the recent war, were heard.

The combined efforts of these organizations and individuals represent the most comprehensive study of military justice that has ever been conducted in the history of this or of any other country.

The amendment I have proposed is the product of some of the best judicial brains in the country. In general, the main accomplishments of the amendment may be outlined as follows:

First. Enlisted men have been authorized to sit as members of courts-martial.

Members of the Senate who have had occasion to serve on courts-martial may remember that under the existing Articles of War enlisted men are excluded from sitting on those courts. There is no such thing as a trial by a jury of his peers, so far as the enlisted man is concerned.

Second. It subjects officers to trial by special courts-martial.

As I have said, under existing law many officers, for many offenses, entirely escape disciplinary action, whereas, for the same offenses, enlisted men are tried and subjected to serious and onerous penalties.

Third. It prohibits the unlawful influence of courts-martial or the members thereof.

I do not need to recall to any Member of the Senate who has had any experience with courts-martial that the command influence, that is the influence of the officer who appointed and convened the court, is of tremendous importance and weight in the proceedings and decisions of the court. This amendment, as I shall explain in a few minutes, will, so far as it is humanly possible, do away with or curb that command influence.

Fourth. Warrant officers are authorized to sit as members of courts-martial.

There is an intervening grade between enlisted men and commissioned officers, known as warrant officers. If there be any good reason why they should be excluded from sitting and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

taking part in courts-martial proceedings and the administration of justice in the Army, it has not yet been suggested.

Fifth. An accused, if he so desires, may have counsel at the pretrial investigation.

In a great many cases, Mr. President, before the regular formal courts-martial proceedings are conducted, there is what is called a pretrial investigation. In some cases, I am sorry to say, I think the pretrial investigations might be fairly criticized as a kangaroo court. The amendment provides that the person accused and who must stand trial is entitled to counsel from the very start of the proceedings against him. In other words, he cannot be brought before a kangaroo court and have admissions secured from him before he has the advantage of capable counsel to advise him.

Sixth. Authority to issue a bad-conduct discharge has been granted to general and special courts-martial.

Seventh. The review and appellate provisions have been strengthened.

Again, Mr. President, as any Member of the Senate who has had experience with Army justice knows, the existing provisions are entirely ineffective and inadequate. What this amendment does is to provide for a review of the decisions of courts-martial under principles consistent and consonant with the Anglo-American system of justice.

Eighth. A lesser punishment than death or life imprisonment for murder and rape has been provided.

Here, again, is an important defect in the present system. A defendant who is brought to trial on a charge of murder or rape is either convicted or discharged. If he be found not guilty he receives no penalty at all. The fact that there may be extenuating circumstances in such a case before a court-martial is a fact which the court is not permitted to consider.

Ninth. A lesser punishment than dismissal from the service for officers drunk during a time of war has been provided.

Here, again, there is an important defect in the present law. An officer found drunk in time of war has only one penalty that applies . . . . and that is dismissal from the service.

Tenth. The authority of commanding officers has been increased so far as pertains to officers and not to enlisted men.

Eleventh. A separate Judge Advocate General's court will be established.

The principles of the amendment, Mr. President, have been approved and urged by the principal veterans' organizations, by the National Judge Advocate Generals' Association, and by its component organizations in many states. They have also been approved by the Reserve Officers' Association. That is an important consideration, in that officers under the proposed code are subjected to penalties to which they were not previously subject, but the Reserve officers have realized the unfairness of the present situation and are themselves urging these changes in the law.

Mr. WATKINS, Republican, Utah. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BRICKER in the chair). Does the Senator from Missouri yield to the Senator from Utah?

Mr. KEM. I yield.

Mr. WATKINS. Do I correctly understand that the amendment passed the House and was approved by the American Bar Association?

Mr. KEM. I was just about to reach that point, Mr. President. The Senator from Utah has taken the words out of my mouth. I was about to say that the amendment, in the exact form in which it is here proposed, was approved by the American Bar Association and by local and State bar associations in many States.

* * *

Mr. GURNEY. Mr. President, we have listened to a very able presentation by the Senator from Missouri of a subject in which every Member of Congress is vitally interested. I am sure that every Member of Congress has had a personal interest in the question during the war and the few postwar years, because at one time or another every Member of Congress has had called to his attention some trouble in the armed forces involving a member of such forces—court-martial cases, if you will.

An examination of the amendment offered by the Senator from Missouri indicates that the amendment substantially conforms to the language of the bill passed by the House, House bill 2575. In fact, I should say that it is identical. House bill 2575 was passed by

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the House on January 15. So far as the House of Representatives is concerned, that bill revises and modernizes, I may say, the courts-martial system in the Army and in the Air Force, but it does not cover the Navy.

In discussing the general problem of courts-martial legislation, which is what House bill 2575 is, and which is what this amendment is, one must recognize the fact that the unification of the armed services which was accomplished during the first session of the Eightieth Congress made it necessary for us to reexamine certain phases of the control of the military establishment. By that, I mean all three of its branches.

Almost concurrently with the introduction into the House of House bill 2575, which proposed to amend the Articles of War and thus revise the military justice system of the Army, there was introduced into the House a bill to amend the Articles for the government of the Navy. The House Committee on Armed Services during the first session considered and finally favorably reported House bill 2575, which, after some amendment, was then passed by the House of Representatives and sent to the Senate. However, I wish to make it clear that no action was ever taken by the House Committee on the Naval Courts-Martial bills, House bill 3631 and House bill 3687, which had been introduced at about the same time.

It has long been obvious to me as an individual Senator, and I think it is obvious to all other Members of the Senate, that to accomplish reforms in the military justice system of only one of the services would amount to piecemeal legislation, and would not accomplish the true purpose envisioned by the Congress when it passed the unification legislation, nor would it succeed in accomplishing the sort of equalization of benefits and penalties which was visualized by the various distinguished committees of the bar—committes from the American Bar Association, and so forth—which were appointed by the Secretaries of the Army and the Navy to study this problem during and immediately subsequent to World War II.

Personally, Mr. President, I believe there should be a uniform system all through the armed services. I believe that if a man belonging to the Navy commits a certain crime, and if a man in the Air Force commits the same sort of crime, both should be subject to the same sort of procedure for ascertaining guilt, imposing sentence, and so forth. . . . .

Consequently, Mr. President, on May 3, 1948, when the lengthy consideration of the manpower problem made it obvious to me that the Committee on Armed Services probably would not have an opportunity at this session properly to study the problems of military justice, again as an individual Senator, I wrote to the Secretary of Defense, and expressed my concern over the fact that the courts-martial proposals of the two services did not provide a uniform system of military justice applicable alike to the enlisted and officer personnel of all three of our services. I then suggested to the Secretary of Defense that it might be well for the defense establishment to begin an over-all study with the thought that the defense establishment might wish to make a proposal early in the Eighty-first Congress for revision and, what is more important, standardization of the codes which control all the military services. Mr. President, I have just used the words "what is more important," but actually I do not think that is quite correct, because I agree with the Senator from Missouri that a modernized revision of the courts-martial systems should be had at as early a date as possible. I think his argument on that point was excellent.

Subsequently, on May 14, 1948, the Secretary of Defense wrote to me and said that, after discussion with the Secretaries of the Army, Navy, and Air Force, they had come to a full agreement that such a study was desirable and should be undertaken. He said further that he had created a committee, composed of a representative of his office, who will act as chairman, and of the Under Secretary of the Navy, Mr. W. John Kenney; the Assistant Secretary of the Army, Mr. Gordon Gray; and the Assistant Secretary of the Air Force, Mr. Eugene Zuckert, which committee has been directed to develop proposals for the establishment of a uniform code of military justice, applicable to the entire National Military Establishment, for submission to the Eighty-first Congress. Since then I have talked to the Secretary of De-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fense. I have said that we want those conclusions early in January, 1949.

About three weeks ago, on May 21, 1948, Mr. Forrestal wrote to the chairman of the Committee on Armed Services in the House of Representatives, reiterating the statements he had made to me, stating at the same time that he felt—and I most certainly agree with him—that such a uniform code, if enacted, will have the effect of superseding existing legislation in this field, as well as of superseding any legislation which may be enacted at the present session of Congress.

It seems only logical to me that the problem of the revision of codes for the fundamental control of the military establishment is of such consequence that it cannot be lightly considered by the Congress. Futher, it certainly must not be hastily tacked onto a bill of such great importance as the manpower bill. I think it has less excuse for being offered at this time. It certainly must not be hastily tacked onto a bill of such great importance as the one now before the Senate, in an effort to enact a piece of legislation which will be repealed by other legislation—soon, I hope—which will probably be submitted and approved at the coming session of Congress, when time will permit careful and complete consideration of the entire problem in the light of the lessons learned after a year and a half under the unification act.

DISCIPLINARY ACTION

Mr. GURNEY. I assure the Senator from Missouri and other Senators that I am as thoroughly convinced as he is that the courts-martial system should be brought up to date. I am equally convinced there should be uniform procedure in the three services. For instance, in the Navy at the present time a courts-martial sentence is finally and completely approved by the Secretary of the Navy. In the Army and in the Air Force that practice does not obtain. Courts-martial are concluded in the Judge Advocate General's Department by the Judge Advocate General himself. Possibly the Secretary of each of the services should finally approve the sentences, at least in major cases.

There is another matter to which I desire to call the attention of the Senator from Missouri. That is the fact that the system now proposed would take away from the commanding officer the control, a control which he probably should not have completely, of disciplinary action. In other words, at the front, a man who possibly did not want to go forward could resist an order to do so and thereupon be charged with the crime of retreating in the face of an enemy. As I understand, the pending amendment would possibly turn him over to the jurisdiction of the new Judge Advocate Court set up by the House bill and by the amendment proposed by the Senator from Missouri. I think those two extremes, if they may be called such, should be dove-tailed.

I also want to make the point that the amendment has not had a chance for consideration at all by our committee. I do not believe the Senate wants to by-pass the committee on a piece of legislation such as this. Certainly I do not think the Senate wants to by-pass the committee, for the very specific reason that this matter is so important to the armed forces.

The courts-martial system, with the summary courts and everything else, is vital for discipline in the Army. Our committee has not even had one extra day in which to study the proposal. I promise the Senator and the Senate that if I have anything to do with outlining work for the Armed Services Committee this measure will be the first to be taken up in January, 1949.

I hope the pending amendment will not be agreed to.

Mr. KEM. Mr. President, will the Senator from South Dakota yield for a number of questions?

Mr. GURNEY. I yield.

Mr. KEM. In the first place I desire to express my appreciation, which I know is shared by the other Members of the Senate, of the fine work done by the Senator from South Dakota and his associates on the Armed Services Committee. All Senators who have had contact with that committee know of the industry, the skill, and the devotion to duty exhibited throughout the session by members of that committee. I certainly do not want anything I have said or that I shall hereafter say to be construed as the slightest criticism of the Armed Services Committee. The committee enjoys my confidence and the confidence

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

generally of the other Members of the Senate. I should like to ask the Senator from South Dakota if it is not true that the House passed its bill on January 15 of this year?

Mr. GURNEY. That is entirely correct. I so stated.

Mr. KEM. Is it not true that since January 15 there has been nothing except the pressure of other duties to prevent a hearing by the Senate committee?

Mr. GURNEY. There was the additional reason, as the Senator knows from his membership on other committees, that there are many times when the chairman calls a meeting but is unable to get a quorum, Senators being in attendance upon other equally important meetings.

Mr. KEM. I should like to ask the Senator from South Dakota if it is not true that extensive hearings were held in the House?

Mr. GURNEY. I know that hearings were held; how extensive they were I do not know.

Mr. KEM. Is it not true that the Secretary of War, the Chief of Staff, General Eisenhower, and a large number of other representatives of the War Department appeared, and that the criticisms the Senator has made of the pending amendment were thoroughly investigated and fully stated, and that despite the criticisms, the House committee still reported favorably on the bill which was then in the House and which the House promptly passed?

Mr. GURNEY. In answer to that question, which is quite a long one, I may say that the Secretaries of War and Air, and the Chiefs of Staff appeared, as well as officers of the Judge Advocate General's office, and that while there was almost complete agreement on certain sections or phases of the House bill, there were certain keen disappointments on the part of the armed services by reason of other provisions of the bill. They severely criticized some sections of it and questioned whether it would go a long way toward breaking down the disciplinary system in the Army and the Air Force.

Mr. KEM. I should like to ask the Senator from South Dakota if any of the heads of departments, or any responsible officers, have suggested to him that any criticisms presented to the House were thoroughly aired there.

Marcus in the *The New York Times*

"To Be Heard At Last?"

Mr. GURNEY. I think it is correct to say that they were thoroughly aired there, but I must remind the Senator that the House committee was not unanimous in reporting the bill.

Mr. KEM. I think the bill, when subsequently reported, was unanimously passed by the House, was it not?

Mr. GURNEY. I think that is correct.

Mr. KEM. The Senator has had something to say about the fact that the amendment does not cover the Navy. I should like to ask the Senator if it is not true that the administration of justice at sea, and under conditions with which the Navy has to meet, is in substantial respect different from its adminstration by the Army on land.

Mr. GURNEY. That is entirely correct. Nevertheless, I am thoroughly convinced that we should have unification, so far as we can achieve it. We now have unification of the Air Transport Command. I am hoping that we shall have unification of water transportation as between the Navy and the Army. A subcommittee of the Armed Services Committee has been appointed to look into the problem of unification of the Medical Corps. I claim that a man in the Navy who becomes sick is just as sick as is a man in the Army who becomes sick. He requires the same kind of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

doctors to take care of him. So I am sincere in my statement when I say that if a high crime be committed in any branch of the service, the accused should be tried in the same way and should receive the same kind of sentence. I am not sure that can be accomplished if this amendment should be adopted and the Navy should continue to operate under its old, outmoded system.

Mr. KEM. Is there any reason whatsoever why the amendment could not be supplemented by additional legislation expanding its coverage to the Navy Department?

Mr. GURNEY. I will answer, very frankly, that it could. But our committee has not had an opportunity to study it. We do not know whether this amendment is one which we would recommend for a revised courts-martial system in the Army.

Mr. KEM. So far as the objection that it does not cover the Navy is concerned, will not the Senator agree that that objection might be overcome at the next session by supplemental legislation?

Mr. GURNEY. It could be, but I cannot admit at this time that the Senator's amendment will be accepted by the Senate today.

Mr. KEM. No. I am not sure it will be accepted. But any member of the Senate who wants to see justice done to members of the armed forces who are taken in the draft will vote for the amendment.

Mr. GURNEY. No member of the Armed Services Committee has ever even read it. It is long and complicated. It would take midnight oil to read and understand every section of it.

Mr. KEM. I think the chairman of the Armed Services Committee is covering a little too much territory. I have had some very intelligent discussions with members of his committee in regard to the amendment, and they exhibited very accurate knowledge of its provisions.

I should like to ask the Senator this question: Has the chairman of the Armed Services Committee not found that there is an insistent demand on the part of the American people for changes in the administration of military justice?

Mr. GURNEY. I cannot say that there is an insistent demand on the part of the American people. There is a very insistent demand from former officers in the Judge Advocate General's Department of the Army, Air, and Navy Departments. I think those men are best qualified to say whether there should be a revision. I think theirs would be the best evidence. But there is not a demand from the people all over the country.

Mr. KEM. Is there any group of our people who could offer informed criticism to better advantage than could the persons the Senator has just mentioned?

Mr. GURNEY. I am quite sure the best evidence would come from actually qualified lawyers who were members of the lawyers' division in the armed forces during the war when they had a large number of cases. But that does not relieve me of my responsibility as a member of the Senate to see to it that the course of conduct of the armed forces is not broken down so that the Army, Navy, and Air Force cannot properly protect the nation, because I know that the courts-martial system is a very vital part of our whole military machine, and we cannot shirk our responsibility in that connection. I think we would be shirking it if we should adopt this amendment without a "look-see" into every paragraph of it.

Mr. KEM. Does the Senator feel that he will fail to perform his responsibility if he does not undertake to meet a substantial objection which is being made to the present system of military justice before he drafts into the armed forces large numbers of additional young men?

Mr. GURNEY. No. I am quite convinced that I would not be shirking my responsibility. I think our troubles came during a period of stress when the men were overseas and fighting was in progress. But if we were very hopeful that there would not be any fighting, if we could undertake the work inside of six months, with the concurrence of the House in the idea that revision is necessary, I am sure we could quickly evolve a bill in committee which we could recommend to the Senate. At this time we are not in position to recommend or to disapprove this amendment.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. SALTONSTALL. I have not heard

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

all the discussion, but I have heard the colloquy which has just taken place. As one member of the Committee on Armed Services I have been carrying on a correspondence with several lawyers in different cities who are critical of the House bill to which reference has been made and who want it changed by the Senate committee. As a committee we have not taken the opportunity to go over the bill line by line and paragraph by paragraph. I certainly support the position of the chairman of the committee in believing that this is one of the first tasks of the committee in the coming year, but the amendment, merely because the House has passed it in the form of a bill, should not be attached blindfold, to the bill which is now before the Senate.

Mr. KEM. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. KEM. I should like to ask the Senator from Massachusetts a question. Does he feel that if the Senate takes a bill which has been prepared by a distinguished committee of American lawyers and jurists, headed by the Honorable Arthur T. Vanderbilt, a bill which has passed the House after extended and extensive inquiry there, a bill which has been endorsed by the American Bar Association, in principle, and by the American Legion, the Veterans of Foreign Wars, the A.M.V.E.T.S., and by local and state bar associations, it would be taking such a bill blindfolded?

Mr. SALTONSTALL. I would not say, as a very humble lawyer, that I was taking it blindfolded, but I would like to see a layman's criticism on the subject of courts-martial—

Mr. KEM. I should like to ask the Senator——

Mr. GURNEY. Mr. President, I have the floor. I wanted to answer the question of the Senator from Missouri by saying that the amendment which is now before the Senate was not prepared in its entirety by a group of very able lawyers of the American Bar Association. It came down from the Department. Parts of it were prepared by the American Bar group, but not all of it. Some of it was added by the House committee.

Mr. KEM. It has been endorsed by that body.

Mr. GURNEY. It is a joint effort of three or four organizations. Therefore it might be better and it might be worse. The committee has a right to change the language of a House-passed bill. I am personally not ready to say at this time that we should accept it as written.

Mr. KEM. Mr. President, I should like to ask a further question of the Senator from South Dakota. I think the Senator from South Dakota inferred that the adoption of the amendment would interfere with discipline among troops at the front. I should like to ask him whether under the amendment the commanding officer would not still have the right to prefer charges, and would not still have the right to appoint courts-martial.

Mr. GURNEY. I have admitted that I have not read the amendment line by line. In a general way I can say that the answer is "yes" to the question propounded by the Senator from Missouri.

Mr. KEM. The Senator, not having read the amendment, would not undertake to point out in what way it would interfere with discipline, would he?

Mr. GURNEY. Oh, yes.

Mr. KEM. Will the Senator be good enough to point that out?

Mr. GURNEY. I have already pointed it out.

Mr. KEM. At the risk of repetition, will the Senator do it again?

Mr. GURNEY. If the Senator will yield, under the amendment, as I see it, if a crime is committed, charges are preferred by the commanding officer of the particular unit. Immediately the accused is transferred from under the jurisdiction of the commanding officer and given into the jurisdiction of the Judge Advocate General's man who is on the ground. He immediately leaves the command post of the commanding general of the outfit, the one who might have the responsibility of going ahead in a particular engagement. I said that before, and I repeat it.

Mr. KEM. The commanding officer would still have the right to appoint the court and prefer the charges. Is that not correct?

Mr. GURNEY. I am informed by my assistant—I have not read the bill—that the commanding officer would appoint the court.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Mr. KEM. And prefer the charges?

Mr. GURNEY. That is correct.

Mr. KEM. I should like to ask the Senator another question. In view of the admitted dissatisfaction with the administration of military justice under existing law, and in view of the fact that we are about to undertake something that has never been done before in the history of the United States, namely, a draft in peacetime, would it not be advisable for the Congress to meet the objections of these thousands of reserve officers, and thousands of parents who are really concerned about what is to be done to their sons when they are taken into the Army? Would it not be advisable for us to meet this very reasonable objection and apprehension by adopting this amendment?

Mr. GURNEY. I think we will meet our responsibility. I told the Senator our committee would make the matter the first order of business.

I may, in response to the Senator's suggestion say that this is not the first time a draft has been made in peacetime. The Draft Act was originally passed in 1940, in peacetime. Our Army has had much experience with criminal prosecutions in the Army as a result of the war. Our committee wants to have a chance to examine the bill to which the Senator has been referring, and see that no injustice is done to the incoming selectees or volunteers, just as we want to be sure they are not being done an injustice by the present law.

INJUSTICE

Mr. KEM. If the Senator is really concerned about injustice to the incoming selectees and draftees, would he not be willing to accept this amendment and allow it to be attached to the bill, in order to assure himself that no man will be sent to the gallows who should not be executed, that no man will be sent to a long term of penal servitude who should not be, during the period between the passage of the draft law and its effective date, and the time, some time in the year 1949, when the Senate committee can act on this matter? Why not accept this amendment and let it be incorporated in the draft bill? Why not assure the parents of these young men that they are going to have a square deal when they are taken into the Army, and when the Senate committee has a chance to study the matter further, make such amendments and suggestions and consolidations as it sees fit?

Mr. GURNEY. I do not believe any of our boys were sent to the gallows unjustly during the last war, or World War I. I think the corrections which should be made in the courts-martial system are not of that serious a nature, I would say the main ones are minor in nature, merely affecting matters of procedure. To my personal knowledge I have not found that a major punishment was inflicted which was not absolutely reviewed from stem to stern. If the Senator knows of any such case I am sure our committee would be glad to go into it.

Mr. KEM. To refresh the Senator's recollection, I call his attention to one class of cases. Under existing law a lesser punishment than death or life imprisonment for murder or rape has not been provided. In other words, any soldier charged with those crimes suffers the punishment of death or life imprisonment under the present law as a matter of course. Surely that is a situation which should be corrected, and corrected instantly, without any further delay.

Mr. MALONE. Mr. President, of course we all realize that discipline is necessary in the United States military forces. I can therefore understand the reluctance of the chairman of the Committee on Armed Services to accept an amendment which he does not thoroughly understand. I feel constrained, however, to speak in support of the amendment offered by my colleague, the Senator from Missouri [Mr. KEM], for the reason that in the last several generations there has not been any fundamental change in the methods of courts-martial procedure which were originally adapted from the old English system. It is an antiquated system. It has never been revised in the light of the discipline now necessary in the Army and compatible with our increased education and understanding—and with the character of civilian punishment for like crimes.

I desire to call attention to two provisions in the report made by the Committee on Armed Services of the House after studying

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the bill, and we understand it was thoroughly studied by that committee.

First, it is proposed that enlisted men be authorized to sit as members of the courts-martial. They sit on every other jury in the world, on grand juries, and on important matters of the country, when they are not in the Army. There seems no valid reason to suppose they are not capable of sitting on juries in the Army.

Another provision is that the accused, if he so desires, may have counsel at the pretrial investigation. Counsel for an accused is accepted everywhere. It is not a question of rules and regulations of the Army. It is a question of simple justice.

All the veterans' organizations in the United States, I am informed, are in favor of the amendment, including the American Legion, the Veterans of Foreign Wars, and the Disabled Veterans. They have all served in the Army or in the military forces and they understand what is involved.

I served in the Army from a buck private to sergeant and then became an officer. My experience in that connection leads me to substantiate what my colleague, the Senator from Missouri has said, that the system, all the way through, is antiquated and needs revising.

As I have said, we all know the subject has been thoroughly studied, so in my opinion there is no reason why the amendment should not be adopted at this time.

In closing, I wish to say that it is time the Congress of the United States should show an interest in the welfare of the military service personnel, especially since we are about to pass drastic legislation for the further building up of our military organization. Enactment of the legislation covered by the amendment will give prospective military men and the fathers and mothers of the nation added confidence that their sons and daughters will receive fair treatment and just consideration.

I shall vote for the amendment.[1]

* * *

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 5, line 7, it is proposed to change the period to a colon and add the following:

"Provided, however, That no person shall be inducted or ordered into active service without his consent under this act until (1) the President proclaims, not earlier than 75 days after the date of enactment, that an insufficient number of persons is on active service in the armed forces to maintain an adequate national defense, and (2) that a sufficient number of such persons cannot in his judgment be obtained by voluntary enlistment and by voluntary request for call to active duty.

Immediately upon the issuance of such proclamation, the provision of this act authorizing the induction of persons into the armed forces and the ordering of persons into active service without their consent shall be effective, but no person shall be ordered into active service without his consent under this act prior to 90 days after the date of its enactment."

Mr. CAPEHART, Republican, Indiana. Mr. President, the Senate is about to vote upon a measure on which conscientious, sincere, honest people can disagree. I rather suspect that any Senator could make a good case either for or against a draft bill in peace-time. Many, of course, will argue that by universal military training and by drafting our boys into the service we will avoid war. Others will take the opposite position, and tell us that it will involve us in war.

I wish I had the intelligence to know which is the best procedure. I remember that at one time we placed our hope in the United Nations, and for the United States now to enter upon the course of drafting its men one might argue is directly opposed to the hopes and the ambitions we had for the United Nations.

The amendment I am offering is very simple. It provides that, if after 75 days following enactment the President of the United States, who is the Commander in Chief of our armed forces, and the head of our foreign affairs, has been unable to secure a sufficient number of volunteers to bring the armed forces to the strength they should have in order to assure the safety of the nation, he has the authority to declare the law in effect. Or if in his opinion during the 75-day period

[1] The Kem Amendment was passed in the Senate by a vote of 44-39.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

world conditions have so adjusted themselves that we do not need as large an Army as anticipated, he need not declare the law in effect. That is how simple the amendment is.

It is easy for one to argue that the President has already asked for the legislation, and that therefore it must be needed. It is easy to argue that the Armed Services Committee has considered this matter for days, and has come to the conclusion that the legislation should be passed today, and become effective immediately. I am not going to quarrel with that, but I am saying to the Senate, I am saying to the President of the United States, and I am saying to the American people, let us make one more effort, let us take 75 days more and see if we cannot avoid doing that which I know every Senator dislikes. I am satisfied that those who vote for the draft measure are doing so, not because they personally like the idea—and I am sure their prayers were that it would not be necessary—but they are voting for it because they feel that it is absolutely necessary.

Let us take 75 days more. I am not so certain but that the very fact that we pass the legislation, the fact that the world knows the President of the United States may put it into effect, will not have the desired effect. If our people know that failure to get a sufficient number of volunteers will result in the draft law becoming effective, that of itself may bring a sufficient number of voluntary enlistments into the armed services to give us ample protection.

I think Congress could well pass the legislation and say to the Commander in Chief, who is the President of the United States: "Here are the tools with which to work. If, after 75 days, you think it is necessary to act, you may do so." I believe the American people will appreciate our taking that position in respect to this legislative proposal.

I rather feel that since the war ended we have had too much negative talk in respect to our armed forces. I should like to make the observation that no nation other than a nation actually in war was ever so well prepared for war as is our nation tonight.

Let me enumerate our strength. Maybe the time has come when we should start advertising our strength to the world, and taking pride in our strength, instead of doing what in my opinion we have been doing for the past many months—in fact for a couple of years—and that is trying to tell the world and our own people how weak we are. Let us enumerate our strength.

No. 1. We have the atomic bomb.

No. 2. We have already trained 14,000,000 boys who were discharged from the various services no longer than 2½ years ago. We have those boys who served, who were on combat duty. I am not saying that we should call them back into the service. Of course not; but I am telling the Senate the strength we have. I doubt if at any time in our future history we shall ever be in such a position—and I hope we never shall be, because it will mean that we will have fought another war. I doubt if ever again we will have as many as 14,000,000 trained men. We have them now. If we were attacked by another nation tomorrow we could call back into the service 14,000,000 men. I suspect we could place most of those from the Navy on the same ships on which they served during World War II. I suspect we could place others in the same divisions, in the same regiments, in the same companies. I suspect that in many instances we could put many back into the Air Force and have them flying the same airplanes they flew before. I remind the Senate again our strength is 14,000,000 trained men.

No. 3. We have the largest Navy in the world. I believe it to be a fact that we have a greater navy than all the other countries of the world combined. It is a fact that we do not at the moment have sufficient personnel to man our entire Navy, meaning, of course, the vessels and the equipment; but among the 14,000,000 trained men of whom I spoke are men who manned those vessels and were a part of their personnel prior to the end of the war.

We have a large, a fine, a good Air Force, in spite of what some may say. We have been belittling our armed services, our armed might, and our Air Force. . . . .

Possibly our greatest strength, and the one to which we seem to pay no attention, lies in our productive facilities. We have the greatest productive facilities of any nation in the world or of possibly all nations combined. When the war ended our government wisely asked that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

all tools, dies, and jigs used in manufacturing the materials and the equipment needed for World War II be inventoried, and cataloged, oiled, and boxed. The government today has those tools, dies, and jigs. They are inventoried, they are cataloged, and our government knows exactly where they are stored. Tomorrow they could be shipped back to the same factories that ceased using them 2½ years ago. Those factories could begin making the very same items which they were making, with, in most instances, the same management in charge, and the same trained personnel available for operating them.

Mr. President, I say that constitutes strength. This nation of ours is well prepared for war. It is so far in advance of any other nation in the world that their strength can hardly be compared with ours.

Oh, yes, there are those who will say that one other nation in the world has manpower by the millions. I agree with that. But they are five or six thousand miles away. That is not the kind of strength that wins wars during these times. I say we do have strength. We are well prepared.

OCCUPATION FORCES

We have a problem today that we did not have prior to World War II. We have occupation forces in the Far East and in Europe, and we must maintain those occupation forces. I am one of the first to admit that world conditions today require that we remain strong. I shall not argue that point with anyone because I believe it to be a true premise.

There is no difference between us on the Senate floor as to what we should do. The difference lies in how best to accomplish the result we want to achieve. Frankly I shall always vote for a strong Army, Navy, and Air Force. I shall vote to protect the nation against any potential enemies. But, Mr. President, when Senators begin voting for a draft in peacetime, if they are conscientious—and they are conscientious, just as conscientious as I am—it certainly must do a little something to them inside. It does to me.

There may be some Senators who will stand up and say that I am offering the amendment for political reasons. In order to save time, I may say that I am not. I believe the best interests of the nation, the best interests of the armed services, the best interests of the Commander in Chief himself lie in giving him this tool, giving him the opportunity to have a sufficient number of our men voluntarily enlisted to bring the armed forces up to the point where he feels they should be. I am not so sure that the legislation we are now considering should not be permanent legislation, giving the President the right to invoke it at any time when in his opinion we are in danger. I am sincere in that statement. I believe it is the best possible treatment we can give the subject.

In fairness to our forefathers, in fairness to those who founded this nation, and to those who had the responsibility for guiding the nation for 165 years—who refused to adopt the draft in peace-time—in fairness to our boys and in fairness to our girls, in fairness to all our people I believe we should enact legislation of the sort I have recommended. The President would have the right to invoke not earlier than 75 days after its enactment, but to invoke at any time when in his personal opinion he believes we are unable to secure sufficient volunteers properly to protect the nation, or when in his personal opinion world conditions are such that he finds our armed services lack a sufficient number of men. . . . .

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. CAPEHART. I am very happy to yield.

Mr. SALTONSTALL. The Senator has said that he feels that his amendment is a good one because he wants to give one more opportunity for men to volunteer. I should like to ascertain from the Senator what inducements there are for men to go into the regular forces that have not already been offered them. What will they see in the next 75 days that will induce them to enter the service if they have not gone in up to the present time?

The bill is drafted in such a way as to induce men to go into the reserves, to build up the National Guard and the Reserve forces so that ultimately we can reduce the strength of our Regular Army.

We know that at the present time there are a sufficient number of volunteers for the Air Forces; we know that there are a sufficient number of volunteers for the Navy; but we

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

also know that the Ground Forces have been decreasing in number and that their effective strength has been falling off. The inducements in this bill are for 18-year-old boys to enter the service for a year of training, to go into the National Guard system and into the Reserve system. To support the Air Force and to make our Navy effective, we must build up our Ground Forces. The Ground Forces of the Regular Army must be built up either by men who will volunteer for three years' service, or from the draft of men between 19 and 26. That is our immediate problem of security. That has been the problem of security for the past four or five months. The President came forward with his message on March 17. We hoped, through universal military training, to build up sufficient strength so that it would not be necessary to have a draft. In the first week in June we know that the Ground Forces are still falling off. What inducement is there for a boy between the ages of 19 and 26 to go into the Regular Army today if he has not already done so?

Mr. CAPEHART. First, we might lower the standards. It seems quite strange that we get a sufficient number of volunteers for the Air Force and for the Navy, but not for the Army. In my opinion, if we enact this legislation and our people realize that we mean business and that if young men do not enlist they will be drafted, a profound influence will be exerted upon them.

The first question is, "How big is big?" How big should the armed services be? In my opinion, the armed services should be no larger than is necessary to protect the nation under existing conditions at a given time.

Mr. BALDWIN. Mr. President, will the Senator yield?

Mr. CAPEHART. Let me finish my thought.

World conditions are flexible. They are in a state of flux. I understand that a truce has been reached in Palestine. That troublesome problem may be over soon. The world is changing. If we say to the world, "We passed a draft bill, and any time that our armed services are not at the point where the Commander in Chief, the President, feels they should be, he has the right to draft," in my opinion it will have a good effect upon the world.

Mr. SALTONSTALL. Let me say to the Senator in reply that to make our Air Forces effective we must support them with sufficient Ground Forces. The experts in our Air Forces and the experts in our Ground Forces today tell us that we have not an adequate number of men to do the job.

Mr. BALDWIN. Mr. President, will the Senator yield?

Mr. CAPEHART. Let me answer the question, and then I shall be glad to yield to the Senator from Connecticut.

As I stated a moment ago, the question is, "How big is big?" How big should the armed services be? I think it depends upon existing conditions at a given time. My opinion at the moment is that they are too small, and that we need more men. My position is that before we adopt a draft in peace-time, we should take 75 days more and see if we cannot solve the problem in what I like to think of as the American way of doing things.

Mr. SALTONSTALL. Mr. President, will the Senator further yield?

Mr. CAPEHART. I yield.

Mr. SALTONSTALL. I agree with the Senator from Indiana that it gives us a bad feeling in the stomach to pass a draft bill. But the security of our country comes first. Does not the Senator agree with me that for the next six or eight months we shall be passing through a very critical period in the world's history? Is not now the time to look to our security?

Mr. CAPEHART. Let me answer in this way: I do not believe the Senator feels that some unforeseen situation is going to arise in the next 75 days. I am sure I do not. We are establishing a permanent policy. The bill originally called for five years' service. It now has been amended and reduced to two years. The able Senator knows the history of legislation. Once we get our foot in, we seldom take it out. That is the reason why I think we might pass this legislation and put it up to the armed forces and the Commander in Chief, saying to them, "We would like to have you make one more effort. Perhaps world conditions will so adjust themselves in 75 days that you will not need as many men as you now think you need. If not, you may invoke the draft law."

Mr. BALDWIN. Let me say to the Sena-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tor from Indiana that I think his amendment is well-intentioned, but I shall vote against it because I think it is a futile gesture. I think it would accomplish nothing.

The present authorized strength of the armed services is 1,066,000 men. The total we want to get under this bill, which is the total which has been recommended by the experts and authorities, is 1,520,000 men.

How will they be divided? A good many times we have heard the question asked, "Why does the Army need a selective service law? The Navy and the Air Corps can always get recruits." Perhaps the figures will be somewhat of an answer to that question.

Under the proposed bill the personnel strength of the Army is fixed at 900,000 officers and men. This would include 110,000 trainees inducted for a 12 months' period. On the other hand, the Navy has a present authorized strength of 668,882 officers and men. Under this bill it is proposed to reduce that number to 588,000. So obviously it will be easier for the Navy to get men. Its requirements are only about half the requirements of the Army.

How about the Air Force? The strength of the Air Force is fixed at 468,000, which includes 15,000 trainees. Therefore its requirements are less than 50 per cent of those of the Army.

It is no doubt true—and the testimony so indicated—that it is easier for the Navy and the Air Corps to get recruits, but that very fact indicates that we cannot get a sufficient number of recruits for the Army unless we have a selective service system, and unless we put it into effect immediately.

Mr. CAPEHART. The Senator seems to be proceeding on the assumption that something is going to happen very soon. He ignores completely what I enumerated in the four or five points I mentioned.

If we are going to have trouble within the next 6, 8, 10, or 12 months, then we shall be calling upon the 14 million trained men whom we discharged from the service two and one half years ago.

I have no argument with this proposed legislation, except I am sorry it is necessary, and I am rather convinced that it is necessary.

I am asking the Congress to make one more effort to handle this matter in what I consider to be the American way. I am hopeful that during the period suggested, world affairs will so adjust themselves that perhaps we shall not need so large an Army and Navy and Air Corps as we think we do.

Mr. TYDINGS. Mr. President, will the Senator yield to me?

Mr. CAPEHART. I shall yield to the Senator in a moment.

Let me say that in view of the pace at which we are going at the moment in making expenditures for military purposes, those expenditures cannot help but have a very serious effect on the domestic economy of the Nation if they continue over a period of 2, 4, 6, 8, 12, 14, 16, 18, or 20 years—if, as a matter of fact, they do not actually bankrupt America.

If there is an emergency in the offing, I shall sit down and withdraw my amendment. However, if there is no emergency in the offing, then I think we should adopt the amendment. I say further that if an emergency is in the offing, then the boys whom we shall call to the service under this bill are not the ones we shall need or use. In that event we shall need the 14,000,000 men who are properly trained, and who were discharged from the service 2½ years ago.

Mr. TAFT. Mr. TYDINGS, Mr. GURNEY, and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Indiana yield; and if so, to whom?

Mr. CAPEHART. I yield first to the Senator from Ohio, who I believe first requested that I yield.

Mr. TAFT. Mr. President, I am sorry I did not hear the Senator's first explanation of the amendment, however, as I understand the amendment, it would not interfere with setting up the draft boards or with registration or the classification required; would it?

Mr. CAPEHART. No.

Mr. TAFT. Then why would it in any way delay the process of drafting the men? How would the amendment provide a 75-day delay?

There is another question which I should like to ask: Will it take 75 days to set up the draft boards and to register the men and clas-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sify them so that a call may be issued? Does the Senator know whether that will take 75 days?

Mr. CAPEHART. I suspect that the chairman of the committee can tell us that.

Mr. TAFT. Will the chairman of the Armed Services Committee tell us? Will it not be 75 days anyway before the draft boards can be set up and before the men can be registered and classified?

Mr. GURNEY. Mr. President, the record in World War I and the record in World War II bear out the statement the Senator from Ohio has made, I think. His estimate might be off a few days, but it takes approximately 75 days to set up the boards and to have them register and classify the men and then select the men. As a matter of fact, it might be as long as 90 days before the first selectees would be called.

Mr. TAFT. As I understand the amendment, it provides that no person shall actually be inducted or drafted into the actual service until a call is issued by the President. So I cannot see that any delay would be involved.

The only question is whether at the end of the 75 days, when the machinery is all ready, the President will make a definite finding that no men are necessary to be obtained by that method.

Is not that the provision of the amendment?

Mr. CAPEHART. It is.

Mr. TAFT. I think the President probably would issue a call anyway. So I do not see why the President should not be required to make the call himself. I do not see anything wrong with the amendment, nor do I see how the amendment would delay the procedure under the act.

Mr. TYDINGS. The Senator from Indiana is making a very persuasive argument, but I do not believe he is giving it the thought that he would have given it if he had been on the Armed Services Committee.

The Senator from Indiana said that to vote for a draft in peace-time makes a fellow feel bad inside; that is as near as I can recall the Senator's exact words. I agree that we do not like to vote for a draft in peace-time. But the Senator from Indiana is not proposing that we do not vote for the draft; and he is not proposing that we do vote for the draft. What he is proposing is that the President of the United States, rather than the elected Representatives of the people, shall say whether a draft policy shall go into effect.

After all the criticism about centralizing power in the hands of the Chief Executive, much of which, in my opinion, has been justified criticism, I cannot imagine that we would place in the hands of the President the power to draft or not to draft men, rather than enact a law saying that men shall or shall not be drafted. That is my first point.

My second point is this: No one is going to be drafted for 75 days, anyway, under this bill. There will not be a single, solitary draftee for 75 days or possibly 90 days after this bill becomes law. During that period we shall go through only the preliminary motions.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. TYDINGS, I ask the Senator to permit me to finish, please.

Mr. CAPEHART. Very well.

Mr. TYDINGS. During that period of 75 or 90 days we shall go through only the preliminary motions of creating all the machinery with which to draft the men. So we do have, under the bill, from 75 to 90 days in which to make the effort, which the Senator from Indiana says he would like to see made, to reconcile the international differences so that the draft would not be necessary. Therefore, under the bill we have that lull, that period of grace, anyway, without the Senator's amendment.

Now the third and, from my point of view, the most important consideration I should like to suggest to the Senator, is this: The Congress will probably recess or adjourn within about two weeks, possibly in a month. It will then go away from here. To all intents and purposes it will probably be away until next January. We are living in a realistic international era. Senators cannot legislate after they have gone home, and I would not be a bit surprised, after the machinery which creates policy, which is the Congress, has been put in the shed and oiled against rust, for use possibly six months later, in January, and when certain people know it is not available for use immediately, there might be another bit of pressure put on here or there in the interna-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tional situation. We shall then be at our homes, and the Army cannot draft a soldier unless we give them the authority. Our friends and late allies know that just as well as we do. So we are going to put an insurance policy on the United States of America while we are home for the next six months. That is the purpose of the pending bill. Mr. President, I will wager you—I shall not wager much——

Mr. WHERRY. Two bits?

Mr. TYDINGS. I will say two bits—that we shall not be away from this Congress 30 days before Senators will hear of some change in the international situation. It was not long ago we were holding our breath wondering about the outcome of the Italian election. It was not long ago that certain railroad trains and airplanes could not go to a certain large city where our troops needed bread, butter, and clothing. It was not very long ago that we were taking counter actions against certain policies which were inimical to the safety and welfare of our troops. But in the meantime we won the Italian election; we passed E.R.P., we increased the limit to which we were going to build up an air force from 50 to 70 groups; we had a draft bill on the calendar of both Houses.

The situation has been pretty decent for the last 60 days. If we leave the Congress and leave the country with an inadequate force, which the Air Force, the Navy, and the Army all say is inadequate to keep our present commitments, we shall spend much more money in the long run and take from the American people much more liberty in the long run than would be taken by a farsighted policy which leaves the country secure while we are home for the next six months.

The stronger this nation is when we walk out of this door at the end of this session, the less likely international friction is going to be and the less chance there will be of war. . . . .

Mr. President, I say without any feeling of partisanship that I am afraid the Senate may have been unwittingly a little thoughtless. I think the Senate has a pretty good Armed Services Committee, and it has certainly one of the best chairmen presiding over any committee of this body in the Senator from South Dakota [Mr. GURNEY]. The pending bill does not come before the Senate after a hearing of five minutes. The bill has been in the Armed Services Committee, and hearings have been conducted which extended over many weeks. We have had before us General Eisenhower, General Bradley, Admiral Denfeld, General Vandenberg. We have had men from M.I.T. before us. We have had General Hershey before us. We have had messages from General Clay, commanding our armed forces in Germany; we have had messages from General MacArthur, in Tokyo, and after all this testimony from men who are in a better position, I believe, to know whether or not this country's armed forces are in a position to defend and carry out its present commitments than are we, after all that testimony, the pending bill comes before the Senate with a unanimous report. There was not one vote in the committee, Democratic or Republican, against the bill.

The chairman of the committee has tried in a non-partisan fashion, in a fair fashion, to give an explanation of every point that has been under attack in connection with the bill. And what have Senators on the other side of the aisle done to their chairman? They have taken the bill and literally torn it into shreds. They have turned down the advice of General Bradley; they have turned down the advice of General Eisenhower; they have turned down the advice of General Vandenberg; they have turned down the advice of Admiral Denfeld; they have turned down the advice of General MacArthur; they have turned down the advice of General Clay.

We are a great lot, we are. We know. We know that all is secure. There is not one Senator on this or the other side of the aisle who can from memory write down the size of the Army, the Navy, or the Air Force tonight. But those men who advised us can tell instantly, right out of their heads. They can tell how many divisions we have in Europe, how many we have in Austria, how many we have in Japan. They can tell what would happen if a crisis occurred. And let me say to the Senate that we would lose everything we have in Europe in a matter of days, because our force is inadequate. We have not two combat divisions in Europe today to keep a commitment on a front that reaches from the Mediterranean all the way to the Baltic.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Is your boy over there? If he were, it would make a lot of difference. . . . .

Most of our boys are not over there now, but somebody else's boys are over there, and it is up to us to put the flag behind them and not to expose them, and to say, "Oh, well, we will lose only 50,000 or 70,000 or 100,000 men. What's that? We can make that up right away."

I remember a debate in 1940 when the Draft Act was passed. There was not going to be any war then. Senators will be surprised at the size of the vote against the enactment of the Draft Act in 1940.

Without wishing to reflect, I call it to mind only because it is history, but a majority of the Republicans in the House and in the Senate voted against the enactment of the draft act in 1940. I do not question the motives of any one. The men who voted against it were inspired by as much patriotism, as they saw the picture, as inspired those who voted for it. I reflect on them not at all, not as to their patriotism, but their judgment was faulty.

POLITICS

Mr. CAPEHART. I see no relationship, and certainly no other Senator can see any relationship, between what the able Senator is discussing and the text of the amendment. No one is talking about not voting for the draft bill; nobody is talking about that. The Senator is talking about something entirely different. He is trying to inject politics into the situation.

Mr. TYDINGS. I am sorry——

Mr. CAPEHART. I say there is a big question mark in my mind as to whether I should vote to draft the boys of America on the basis of an emergency existing in the United States when the President of the United States is on a three-weeks trip to the western area of the United States, and the Secretary of State is on a vacation. I am not so certain they feel that such an emergency exists so that it is necessary for us to do something which we have never done in 165 years. I am just about to make up my mind to vote against the draft bill on account of the fact that someone is trying to inject politics into this situation.

Mr. WHERRY. I should like to ask the distinguished Senator from Maryland a question. What does all he has to say have to do with the amendment now pending? I am asking for light. The pending amendment would not delay the draft one day. After we establish the policy of Congress, what difference does it make whether we go this route, or whether we leave the amendment out, so far as the situation in Europe or at home or anywhere else is concerned? When the time comes to cast a vote on this particular piece of legislation, I shall cast my vote with the full knowledge that the 64 or 65 pages in the bill will lay down the legislative policy.

The only thing this amendment does is to say that a period of 90 days must elapse before the induction of any person. Then it will be up to the President of the United States to use his good judgment as to how to proceed, and as to the numbers to be drafted each month during the continuation of the draft, if we must have a draft.

I do not know what is wrong with this amendment. I cannot see why this talk about backing up the boys is any more applicable whether one is for this amendment or against it. That is the point which I wish to bring to the attention of the Senate. I have stated that I am for the amendment. I believe that everything that could be done under the provisions of the bill without the amendment could be done with the amendment, so far as our patriotism, loyalty, and judgment are concerned in providing an army for the national defense, and the strength we need to meet the emergency.

I highly respect the Senator from Maryland, and I respect his judgment. He has had a great deal of military experience and has a very fine record. We are profoundly thankful for his advice. But I should like to have him point out, if he can, one thing in this amendment which in any way weakens, destroys, tears apart, or guts the bill. It is my intention to vote for the amendment, on the theory that it provides the draft. It provides exactly what the military want. It does the job exactly as it would be done without the amendment, except that it provides for a waiting period of 90 days before the President of the United States is given the power to place in effect the substantive law.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Mr. GURNEY. Mr. President, let me say in answer to the comment made by the Senator from West Virginia [Mr. REVERCOMB] that the ground forces were slow in getting volunteers. For the information of the Senate, let me say that the ground forces are maintaining a force 120,000 larger than that of the Navy, and 151,000 larger than that of the Air Force. There is glamor to the Air Corps and the Navy. That is a fundamental feature which appeals to the young lads of the Nation. Nevertheless, for my money, the boy with the infantry combat badge on his lapel is just about the grandest person in Uncle Sam's fighting forces. I believe that the ground forces have an appeal. Nevertheless, under the volunteer system, they have had to support a larger force than either the Navy or the Air Force. They have done a good job. They have had a great many volunteers.

To answer the Senator from Nebraska, I think the amendment would make just a little difference. Without the amendment, I think we could push through more rapidly the organization of the local draft boards and the registration of those who are coming in under the act. We could push through more rapidly the classification of the registrants. Under the amendment of the Senator from Indiana a man could not be drafted until after the lapse of 90 days. I believe that if we could shove up the time a little—perhaps as much as 30 days—it would be to our advantage, provided Congress appropriates the money to establish the draft boards.

* * *

Mr. TYDINGS. The able Senator from Nebraska I think not only let the cat out of the bag, he burned the bag up. He said "What you are afraid of is pressing the button and letting the President get hell for putting the draft into effect." Now I did not say that. But, it begins to look that way. It seems to be the impelling motive among others that leads my distinguished friend on the other side to take the position he has so nobly espoused. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I thank the Senator from Maryland, because I also should like to reply to the Senator from Nebraska. I say there is no politics in this matter at all. Let me give a bit of personal experience. Last November, with half a dozen other Senators, I was in Trieste, which was being held at that time by 5,000 Americans and 5,000 Englishmen, with less than 6 miles away, 100,000 Yugoslavs in well-organized divisions. Why? Because we were strong at home, and they had respect for us. They had respect for us. They had respect for those 10,000 men in Trieste.

Let us trace briefly the history of this matter. We had a universal military training bill here last year. It was not acted on, although we did act on the unification bill. This year the universal military training bill was again brought forward.

On March 17 the President said, "I want selective service." As a result, the universal military training bill was gradually shelved and put aside, because we realized we could not pass it. Instead, a selective service bill was reported out. We did that, not because of an emergency, not because we wanted the President some time later to push a button. We did it because we wanted to remain strong. We did it because we wanted to maintain the respect of other nations in the world, when it is so important to world negotiations, so important in getting the United Nations going, so important in getting trade treaties under way that we remain strong.

We in the Congress have responsibilities. We are the representatives of the American people. The President is the Chief Executive. Are we to turn the decision back to the President for him to say there is a second emergency at some time in the future, so that he may press the button? It is not a question of an emergency; it is a question of remaining strong. How are we in Congress to live up to that responsibility?

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I prefer to finish first.

Mr. WHERRY. Can we not remain just as strong under the amendment as without it?

Mr. SALTONSTALL. We are not living up——

Mr. WHERRY. Can we not remain just as strong? Can we not get just as many men, and get them just as soon?

Mr. SALTONSTALL. In the meantime, it

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

would give occasion for other nations of the world to say, "No; Congress does not assume its responsibility of keeping the country strong." We have the largest volunteer army now in the history of the world, and it is not enough. So we say, "No; we will let the other nations say we are not going to remain strong; we are going to leave it to the President to say, 'Yes; now I think we have got to be a little stronger, so I am going to push the button.' " I say to my good friend from Nebraska, who needles me many times privately, never publicly [laughter]——

Mr. WHERRY. If I may ask, why is the Senator picking on me now, in public? I do not understand.

Mr. SALTONSTALL. Because the Senator used the word "politics" in connection with the Committee on Armed Services. There was no politics. Heaven knows, we are not seeking to enact a draft bill because of politics.

Mr. WHERRY. Mr. President——

Mr. TYDINGS. I promised to yield to the Senator from Pennsylvania. I yield to him first.

MR. TRUMAN

Mr. MYERS, Democrat, Pennsylvania. I was very much interested in the remarks of the Senator from Nebraska. As the Senator from Maryland said, he let the cat out of the bag. The Senator from Nebraska indicated he wanted to make Harry S. Truman push the button to send the boys into the armed services. . . . .

Mr. WHERRY. If the Senator will yield, that is not the statement I made at all.

Mr. MYERS. I do not yield. I have the floor.

Mr. WHERRY. Let us get the record straight, anyway.

Mr. MYERS. I have the record straight. We are talking about push-button legislation.

Mr. TYDINGS. I have yielded to the Senator from Pennsylvania.

Mr. MYERS. President Truman had the intestinal fortitude to recommend the draft bill. The Committee on Armed Services had the intestinal fortitude to vote to report favorably the draft bill. Let us, the 96 Senators, have the intestinal fortitude to vote on a draft bill and not say the President of the United States must push the button.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. MYERS. Not yet, no. Something has been said about this business of politics. It seems strange to me that the time for pushing the button, for starting to draft our young men, is put a month before the Presidential election. The timing is no coincidence. If we did not have a Presidential election scheduled for 1948, I do not think we would ever have this amendment before us. I believe the amendment was born in politics. I believe politics is its only purpose. For 18 months we have been delimiting the power of the Executive; we have been restricting the power of the Executive. Now we say all power for drafting our young men must rest in the Executive. We do not want to take the responsibility. We want to say, come next October, "Well, it is up to the President. He has said there is an emergency. It is his doing." Of course there is politics in the debate on this amendment but the politics lies in the amendment itself. The Senator from Nebraska finally indicated what the purpose of the amendment is.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. MYERS. Not yet. The whole purpose of the amendment is to allow its advocates to be all things to all people. To those who oppose the draft, the drafting of our boys could be blamed on the President, for he would have to push the button. And to those who favor the draft, advocates of this amendment could also say "We voted for the draft." I say I am willing to take my responsibility. I am willing to vote tonight for a draft bill, and to say when it shall become effective. I am not willing to send the President a bill requiring him alone to determine whether or not there is to be a draft. I believe a temporary selective-service law is necessary.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED